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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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, and can be downloaded as a pdf file. Current articles are available with list on line at: http://www.indigenouspolicy.org/ipjblog/.
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IPJ INVITES VOLUNTEERS TO SERVE ON ITS ADVISORY COUNCIL, REFEREING SUBMITTED ARTICLES.

If you are interested in being a reviewer of submitted articles in the IPJ refereeing process, please contact Editor: Leo Killsback, American Indian Studies, Arizona State University, Discovery Hall, Room 356, P.O. Box 874603, Tempe, AZ 85287-4603, (480)727-0061, lkillsba@asu.edu.

Book Review Committee:

IPJ has a book review committee. People wishing to review books, often receiving a free copy to review, and those wishing to have a book reviewed 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 June 8
INDIGENOUS POLICY PLANS FOR 2018-19
WE INVITE YOUR HELP AND INPUT

We wish you a fine winter. 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. IPJ is on facebook, including some important updates since the last issue, at: https://www.facebook.com/indigenouspolicyjournal.

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.

IPJ has been publishing special issues from time to time since winter 2002 and will continue to do so. These are usually on specific issues. In addition, the Fall issues of IPJ are devoted to carrying the Proceedings of the American Indian Studies Section of the Western Social Science Association Meeting held the preceding April. 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 Editor: Leo Killsback, American Indian Studies, Arizona State University, Discovery Hall, Room 356, P.O. Box 874603, Tempe, AZ 85287-4603, (480)727-0061, lkillsba@asu.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.
Statement of Purpose

*Indigenous Policy Journal Standards and Philosophy of Publication of Scholarly Articles*

In its publication of double-blind, peer-reviewed scholarly articles, the Indigenous Policy Journal aspires the highest standards of scholarly edification and discourse on policy issues facing Indigenous peoples. In doing so, the *IPJ* is informed by the important national and international policy goals of self-determination and continuance of cultural values of indigenous people. We advise those submitting their articles to be aware of the United Nations Declaration of the Rights of Indigenous Peoples, which provides useful guidelines for scholarly inquiry and study of practically any policy issue that contributes to the continuance of indigenous peoples.

**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 Editor: Leo Killsback, American Indian Studies, Arizona State University, Discovery Hall, Room 356, P.O. Box 874603, Tempe, AZ 85287-4603, (480)727-0061, lkillsba@asu.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 file. 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.

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**UPCOMING EVENTS**

**ISN PROGRAM AT APSA 2019**, August 29 – September 1, 2019, in Washington, DC

The Indigenous Studies Network (ISN) plans to put on one or more panels and a business meeting/networking session at the 2019 American Political Science Association (APSA) Meeting, August 29 – September 1, 2019, in Washington, DC. Deadline for panel, paper and poster proposals is January 15, 2019. For more information contact ISN Chair Richard Witmer, Creighton University, RichardWitmer@creighton.edu, or http://www.apsanet.org.
The American Indian Studies Section of the Western Social Science Association, at its 61st meeting, expects to again have a full program of panels at the association's meeting at the 2018 conference in San Diego, CA, at the Manchester Grand Hyatt, 1 Market Pl. San Diego, CA 92101, on the marina, on the bay, and on the city rail system, April 24-27, 2019. Paper/panel proposals for the American Indian Studies Section can either be submitted on line by going to: http://www.wssaweb.com, or by sending them (preferably by E-mail) to AIS section coordinators: Dr. Leo Killsback: Leo.Killsback@asu.edu or Michelle Hale: Michelle.Hale@asu.edu. Deadline for proposals, including abstracts, is December 1, 2018. Information, which will eventually include the preliminary program, can be accessed on line at: http://www.wssaweb.com.

A list of Indigenous Language Conferences is kept at the Teaching Indigenous Languages web site at Northern Arizona University: http://www2.nau.edu and 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.

National Center for Great Lakes Native American Culture, Inc. P O Box 1063 Portland, IN 47371 Home: 4950 North 750 East Attica, IN 47918 765-426-3022, www.ncglnac.org, kay.neumayr@ncglnac.com, holds events throughout the year, including: 2018 NCGLNAC Academic Conference: Great Principal Peacetime Chiefs, April 21, 2018, in the Bubp Building, Jay County Fairgrounds, Portland, Indiana.

The University of North Carolina Pembroke, Pembroke, NC runs an ongoing Native American Speakers Series, usually announced shortly ahead of time, and often at the Museum of the Southeast American Indian, University of North Carolina Pembroke, Pembroke, NC. Among the upcoming sessions in the speakers series is: Actress Diane Guerrero who is best known for her roles on the Netflix series Orange is the New Black and Superior Donuts on CBS, April 16, 2019. For more information, email ais@uncp.edu, or call 910.521.6266. Admission to the series is free, and it is open to the public.

The Society For The Study Of The Indigenous Languages Of The Americas Annual Meeting, including SSILa 2019 is in New York City January 3-6, 2019. For information go to: http://ssila.org.


2019 Tribal Border Summit is January 24-25, 2019, at Casino Del Sol Resort & Conference Center in Tucson, AZ. For details visit: http://www.ncai.org/conferences-events/national-events.


Colorado Association for Bilingual Education (CABE) Professional Development Conference is February 6-7, 2019, at University of Colorado at Boulder University Memorial Center 1669 Euclid Avenue Boulder, CO. for details visit: http://www.cocabe.org.

Physicians for Social Responsibility (PSR) Medical Symposium on the Health Effects of Oil and Gas Development in Colorado @ Fort Collins, CO - Colorado State University, February 1, 2019, all day. For Details Go To: https://Www.Psr.Org/Get-Involved/Upcoming-Events/.

American Indian Higher Education Consortium (AIHEC) 2019 Winter Meeting is February 4-7, 2019. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

NICWA Training Institute is February 5-7, 2019 in Palm Springs, California. For details visit: http://www.ncai.org/conferences-events/ncai-events.

NCAI 2019 Executive Council Winter Session is February 10-14, 2019, in Washington, DC. For details visit: http://www.ncai.org/conferences-events/ncai-event.

AIHEC 2019 Winter Board Meeting is February 11-14, 2019 at Holiday Inn Capitol (tentative), at Washington, D.C. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

NAAAS & Affiliates (including the National Association of Native American Studies) 2018 Joint National Conference is February 11-16, 2018 in Dallas, TX. For details visit: https://www.naaas.org.

World Sustainable Development Summit 2018: Partnerships for a Resilient Planet is February 11-13, 2019, at India Habitat Centre, Lodhi Road, New Delhi, India. For details visit: http://wsds.teriin.org.

Third International Conference on Heritage/Community Languages is February 16-17, 2019 in Los Vegas, CA. For details visit: http://international.ucla.edu/nhlc.

The Native American-Indigenous Section of the Southwest Popular/American Culture Association 39th Annual Conference is as usual in Albuquerque, NM, February 20-23, 2019. For details go to: http://southwestpca.org/conferece/call-for-papers/.


31st Far West PCA/ACA (Popular and American Culture associations), which likely has at least one American Indian section, is February 22-24, 2019, at the Los Vegas, NV. For information go to: http://www.fw pca.org/.

The 2nd Annual AFN National Water Symposium and Tradeshow is February 26-28, 2019 in Niagara Falls, ON. For details go to: http://www.afn.ca/Home/.


ICLDC 6: Connecting Communities, Languages, and Technology is February 28 - March 3, 2019 at International Conference Center, Honolulu, HI. For details visit: http://iclde-hawaii.org


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.

The Society for Cinema and Media Studies 2019 conference is in Seattle, Washington, March 13-17, with special events in partnership with local Indigenous media communities. For information visit: www.cmstudies.org.

AIHEC 2019 Spring Board Meeting is March 14-16, in Billings, MT. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

American Indian Higher Education Consortium (AIHEC) 2019 Spring Student Conference is March 17-19, 2019. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

The 42nd Annual California Conference on American Indian Education is at the Hilton Sacramento Arden West, Sacramento, CA, March 17-19, 2019. 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/.

Fifteenth Annual Southeast Indian Studies Conference is being held on campus at the University of North Carolina, Pembroke, Pembroke, NC, at the University Center Annex, March 21-22, 2019. 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 50th Annual Conference on African Linguistics (ACAL 50) may be March 22-25, 2018. For information visit: http://linglang.msu.edu/additional-programs/african/acal49/ or https://linguistlist.org/.


RES Las Vegas is March 25-28, 2019 at The Paris Las Vegas Hotel & Casino. For details visit: http://www.ncai.org/conferences-events/ncai-event.


SWCOLT (conference on language teaching) is March 28-30, 2019 in Fort Worth, TX. for information go to: http://www.swcolt.org/.


Alaska Native Studies Conference 2018 may be in April 2019 at the University of Alaska Fairbanks campus. For information go to: http://alaskanativestudies.org.

National Center for Great Lakes Native American Culture, 2019 NCGLNAC Academic Conference may be in April 2019, in the Bubp Building, Jay County Fairgrounds, Portland, Indiana. For details visit: www.ncglnac.org.

NICWA Training Institute is April 3-5, 2019, in Albuquerque, NM. For details visit: http://www.ncai.org/conferences-events/ncai-event.

47th Annual Symposium on the American Indian may be at Northeastern State University, University Center, Tahlequah, OK, is April 8-13, 2019. For details visit: https://offices.nsuok.edu/centerfortribalstudies/NSU-Symposium.

Summit Series: Cultivating the Globally Sustainable Self is April 10-13, 2019 at James Madison University, Harrisonburg, VA. For details visit: www.jmu.edu/summitseries.

NAFOA - 37th Annual Conference is April 15-16, 2019, at the Marriott Downtown Waterfront Portland, OR. For details visit: http://www.ncai.org/conferences-events/ncai-event.

The 11th International Conference on Climate: Impacts and Responses is 16–17 April 2019, at Pryzbyla Center, The Catholic University of America, Washington, D.C. 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:

The Western Political Science Association (WPSA) 2019, April 18-20, is at the Manchester Hyatt, San Diego, CA, 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/


10th Annual Unity Summit is April 23-25, 2019, at Oneida Indian Nation, Turning Stone Resort Casino, Oneida, NY. For information go to: https://www.usetinc.org/wp-content/uploads/bvenuti/WWS/2018/April%202018/April%202/Save%20the%20Date%202019%20TUS.pdf.


The 13th Annual Conference on Endangered Languages and Cultures of the Americas may be in May 2018. For details go to: http://www.cail.utah.edu, or contact Jennifer Mitchell: cail.utah@gmail.com.

22nd Navajo Studies Conference may be at Northern Arizona University, Flagstaff, Arizona, may be in May 2019. For details go to: http://www.navajostudies.org.

Affiliated Tribes of Northwest Indians (ATNI) Mid Year Convention 2019 may be in May 2019. For details go to: http://www.atnitribes.org.


The 8th Native American and Indigenous Studies Association Annual Conference may be in May, 2019, in Tucson, AZ. For more information go to: http://naisa.ais.arizona.edu/.
Annual Workshop on American Indigenous Languages (WAIL2019) is May 10-11, 2019, at UCSB Department of Linguistics. For information visit: http://www.linguistics.ucsb.edu or http://osl.sa.ucsb.edu/org/nail/WAIL.

CCERBAL 2019 Conference may be at Canadian Centre for Studies and Research on Bilingualism and Language Planning (CCERBAL), Official Languages and Bilingualism Institute (OLBI), University of Ottawa, in May 2019. For details visit: https://cceral.uottawa.ca/en/activities/conferences.


The 2019 Indigenous Chronic Diseases Conference is May 8-10, 2019, at Pullman Hotel, Cairns, QLD, Australia. For details go to: https://www.icsconferences.org.


The 9th National Indigenous STOP Domestic & Family Violence Conference is May 15-17, 2019 Tangalooma Resort Brisbane, Australia. For details go to: https://www.icsconferences.org.

The 13th 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 at Wingate Hotel, Edmonton, Alberta, Canada, May 16-17, 2019. For information visit: http://www.nsilc.org/index.htm.


Society, Identity, and Transformation in Language Teacher Education
11th International Language Teacher Education Conference is May 30–June 1, 2019, at the Graduate Hotel, Minneapolis, MN. For details go to: http://carla.umn.edu/conferences/lte2019/index.html.

AsiaLex 2019 may be in June 2019. For information go to: http://www.adelaide.edu.au/australex/.

Breath of Life / Workshop for California Indian Languages may be in June 2019. For details visit: http://www.aicls.org.

Fostering Indigenous Business and Entrepreneurship in the Americas Conference: FIBEA 2019 may be in June 2019. 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.

5th Annual Stabilizing Indigenous Languages Conference and 7th Western Symposium on Language Issues (WeSLI) may be in June 2019. For details go to: http://jan.ucc.nau.edu/~jar/AIE/conf.html.


UCLA American Indian Studies Center Summer in Montana may be in June 2019. For details see: www.aisc.ucla.edu/news/.../Summer%20in%20Montana%20flyer.pdf.

Dene Languages Conference may be in June 2019, and will likely be held in the Southwest, in Apache country. For information go to: http://www.uaf.edu/alc/.

SYLAP 2019 (Shoshonian language summer program) may be in June and July 2019 on the campus of the University of Utah. For details go to: http://shoshoniproject.utah.edu/.

The Northwest Indian Language Institute Summer 2019 may be in June 2019, at the University of Oregon, Eugene, OR. For details go to: http://pages.uoregon.edu/nwili/.

8th International Conference on Bantu may be in June 2019. For details go to: http://linguistlist.org/callconf/browse-conf-action.cfm?ConfID=190196.

2019 Dene / Athabaskan Language Conference & Workshop may be in June or July 2019. For details go to: http://www.uaf.edu/alc/about/.

6th Annual American Indian Higher Education Consortium (AIHEC) Behavioral Health Institute may be in June 2019. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

CARLA has a variety of 2019 Summer Institutes for Language Teachers, on line and at the University of Minnesota across June and July 2019. For information go to: http://carla.umn.edu/institutes/2019/schedule.html.

Fourth Basel Sustainability Forum is June 3, 2019, Alte Universität, Rheinsprung 9/11, University of Basel, Switzerland. For details visit: http://sciforum.net/conference/BSF-3.
OCDE Project GLAD® Summer Institute is June 4-5, 2019, at La Fonda on the Plaza — Santa Fe, NM. For details go to: http://www.dlenm.org/calendar-of-events.aspx.

The Native American Student Advocacy Institute is June 6-7, 2019, in Tulsa, OK. For details visit: http://nasai.collegeboard.org/.


10th American Indian and Indigenous Education Conference is June 21-29, 2019 at Northern Arizona University's College of Education at Northern Arizona University, Flagstaff, AZ. To get updated information on this conference visit: http://nau.edu/AIE.

Native American and Indigenous Studies Association Conference is at the University of Waikato, Hamilton, Aotearoa/New Zealand, June 26-29, 2019. For information visit: https://www.naisa.org/annual-meeting/.


CARLA - Center for Advanced Research and Language Acquisition - run a series of summer institutes for language and immersion teachers in July 2019." For details, go to: http://carla.umn.edu/.

10th International 3L Summer School: Endangered Languages: From Documentation to Revitalization may be in July 2019. For details visit: http://www.ddl.ish-lyon.cnrs.fr/.


NCAIS Graduate Student Conference at the Newberry Library in Chicago may be in July 2019. “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/.

NCAIS Summer Institute, may be in July and August 2019. For more information go to: www.newberry.org/mcnickle.

Duel Language Education of New Mexico: Bueno Center 2019 Summer Institute. Two-day summer institute about the education of culturally and linguistically diverse learners, may be in July 2019. For information go to: http://www.dlenm.org/.

New Mexico Language Education of New Mexico: Paridad - Oaxaca (Language Arts Education) may be in July and August 2019. For details go to: http://www.dlenm.org/index.php/resources/calendar/21-paridad-oaxaca-language-arts-education.

The Southeast American Indian Studies (SAIS) Program at the University of North Carolina at Pembroke fifth annual Safeguarding Our Natural and Tribal Heritage Youth Program may be in July 2019. The program is sponsored by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) and hosted by SAIS. It is a free two-week residential program for 20 American Indian high school students who are rising sophomores, juniors and seniors that have an interest in science, technology, engineering, and mathematics (STEM), as well as agriculture, veterinary, plant, food, environmental sciences, and natural resources, wildlife biology, and related fields. For more information go to: http://www.uncp.edu/sonth or contact: Dr. Alfred Bryant (Lumbee), Founding Director, Southeast American Indian Studies Program, alfred.bryant@uncp.edu, (910)775-4009, Fax: (910)522-5795 or Lawrence T. Locklear (Lumbee), Program Coordinator, Southeast American Indian Studies Program, lawrence.locklear@uncp.edu, (910)775-4579, Fax: (910)522-5795.

14th Lancaster Postgraduate Conference in Linguistics and Language Teaching (LAEDG 2018) may be in July 2019. For details go to: http://www.lancaster.ac.uk/fass/events/laelpgconference/index.htm.

The 40th Annual General Assembly (AGA) of First Nations (AFN) of Canada may be in July 2019. For information go to: http://www.afn.ca.

NIHB - 2019 American Indian and Alaska Native National Behavioral Health Conference may be in July. For details visit: https://www.ihs.gov/dbh/bhconference/.

48th Annual Meeting & Health Conference may be in July 2019. For details visit: http://www.ncai.org/conferences-events/national-events.

2019 National TERO Conference may be in July and/or August. For details visit: http://www.councilfortribalemploymentrights.org
National Caucus of Native American Legislators Legislative Summit may be in July and/or August 2019. For details visit: http://www.ncai.org/conferences-events/national-events.

TCU Summer Meeting may be in July and/or August 2019. For information go to: http://www.aihec.org/who-we-are/calendar.htm.


TCU Summer Meeting at SKC is July 22-26, 2019, at Salish Kootenai College, Pablo, MT. For details visit: http://www.aihec.org/who-we-are/calendar.htm.


The 2019 annual meeting of the Linguistic Association of Canada and the United States, the 46st LACUS Forum will be held July 23-26, 2019, Sponsored by the University of Waterloo and St Jerome’s University Waterloo, Ontario, Canada. For details visit: http://lacus.weebly.com.

The 2019 National Indigenous Men's Conference: Black And Proud, the 10th conference in the series, is July 24-26 2019 Double Tree Alice Springs, NT, Australia. For information visit: https://www.icsconferences.org.

The 2019 National Indigenous Women's Conference: Empowering Change, the 10th conference in the series, is July 24-26 2019 Double Tree Alice Springs, NT, Australia. For information visit: https://www.icsconferences.org.

The Women & Water Symposium 2018 is July 29-August 2, 2018 at Lac Courte Oreilles Reservation, Hayward, WI. For details visit: http://www.ncai.org/conferences-events/national-events.

NAAAS (including The National Association of Native American Studies) International Research Forum may be in August 2019. For details visit: https://www.naaas.org/view-calendar/.
Syntax of the World's Languages IX (SWL IX) may be in August 2019. For details visit: http://swl-7.weebly.com/.


2017 WINHEC Annual Meeting may be on August 2019. For information visit: http://winhec.org.

American Indian Higher Education Consortium (AIHEC) Summer Board Meeting may be in August 2019. For details visit: http://www.aihec.org.

4th Indigenous People's International Gathering to Honor, Defend, and Protect the Salomon may be in August 2019. For information contact: Chicaloon Native Village (907)745-0749.

35th Summer School and Conference of Applied Language Studies may be in August, 2018. For details go to: http://www.aila.info.

The 19th International Congress of Phonetic Sciences (ICPhS 19) - including papers on the phonetic structures of Indigenous languages of South America - will take place in Melbourne, Australia on 5-9 August 2019. For information visit: https://www.ssila.org/conferences/call-for-papers-the-phonetic-structures-of-indigenous-languages-of-south-america/.


52nd Conference: ‘Broadening the Horizons of Applied Linguistics is 29-31 August 2019, Manchester Metropolitan University, Manchester, United Kingdom. For information go to: https://baal.org.uk/annual-conference/.


NAAS 2019 International Research Conference may be in October 2019. For details visit: https://www.naaas.org.

15th Language is Life Biennial Conference may be in October 2019. For details, visit: http://www.aicls.org/.

The annual Friends of Uto-Aztecan Conference (FUAC) may be in October 2019. For details visit: http://www.ssila.org.

9th Annual Indigenous Language (ILI) Symposium: may be in October 2019. For information visit: https://ilinative.org.

The 51st Algonquian Conference may be in Canada in October 2019. Information will eventually be available at: https://algonquianconference.atlas-ling.ca/eng/conference/.

21st Diné Studies Conference may be in October 2019 at Diné College, Tsaile, Arizona. For details visit: https://dinestudies.org/conferences/.

Total Immersion Plus: Learning Language At Super Fast Speed Workshop may be in October 2019. For information visit: https://ilinative.org.

The 14th International MEDCOAST Congress on Coastal and Marine Sciences, Engineering, Management & Conservation may be October or November 2019. For details go to: conference.medcoast.net, or medcoast@medcoast.net, http://www.medcoast.net/.

15th Annual ALAS Education Summit may be in October 2019. For details go to: http://www.alasedu.org/events/2018-education-summit.

Annual Conference for Community-Based Heritage Language School Representatives may be in October 2019. For details go to: http://heritagelanguageschools.org/coalition/conference.

Community-Based Heritage Language Schools may be in October 2019. For details go to: http://heritagelanguageschools.org/coalition/conference.

First Alaskans Institute’s 36th Annual Elders & Youth Conference (Elders & Youth) may be on October 2019 in Anchorage, Alaska. For information go to https://10times.com/world-sustainability-forum.

47th Annual Meeting of the Linguistic Association of the Southwest may be in October 2019. For details go to: http://clas.ucdenver.edu/lasso/index.html.

Annual, Sunrise Gathering on Alcatraz Island: Day of Solidarity with Indigenous People may be in October 2019. For details go to: http://www.iite.org/conferences-events/community-events/.

2017 World Indigenous Business Forum may be in October 2019. For details go to: http://wibf.ca/.

AIHEC 2019 Fall Board Meeting is October 7-9, 2019, in Minneapolis, MN. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

The 2018 International Conference of Indigenous Archives, Libraries, and Museums (ATALM) is: Summits, tours and workshops - October 8-9, Conference - October 10-11, 2018 at Mystic Lake Casino Hotel, Prior Lake, MN. For information, visit: http://www.atalm.org. Please direct questions to atalminfo@gmail.com.

NIEA National Convention is at Pechanga Resort & Casino in Temecula, near San Diego, October 8-11, 2019. For details visit: http://www.ncai.org/conferences-events/ncai-events.

50th Annual NIEA Convention and Trade Show is October 9-12, 2019, in Minneapolis, MN. For details visit: http://www.aihec.org/who-we-are/calendar.htm.

The Indigenous Studies Area of the Midwest Popular Culture Association at the annual Midwest Popular Culture Association/American Culture Association conference seeks panel proposals and paper abstracts for the annual Midwest Popular Culture Association/American Culture Association conference to be held from Thursday-Sunday October 10-13, 2019, in Cincinnati.

Abstracts may address any aspect of Aboriginal, First Nations, Maori, Sami, and other Indigenous popular cultures. In addition, the area highly encourages comparative papers between Indigenous and, say, Asian, Latin American, Pacific Islander, or African popular cultures. Topics might address, but are not in any way limited to the following:
- Film and Animation
- Television
- Popular Music
- Radio shows
- New Media
- Video Games, Blogging, YouTube
- Fashion
- Popular Literature
- Theater, Festivals, Spectacles, and Ceremonies

Panels should open with approximately 100-word theme before a 200-word abstract for each panelist. Individual paper abstracts of about 200 word should be submitted electronically before or by April 30, 2018 via the online submission system, https://submissions.mpcaaca.org.
Send questions and inquiries to the Area Chair, Anthony Adah at tony.adah@gmail.com. For more information about the conference, including how to submit to a different area, please visit the conference website at http://mpcaaca.org/indy-2018/2017-cfp/. For information about the conference please visit the conference website at www.mpcaaca.org/conference.

**American Indigenous Research Association Meeting** is October 11-13, 2019, at the University of Washington. For details go to: http://www.americanindigenousresearchassociation.org/annual-meeting/.

**G2E Global Gaming Expo** is October 14-17, 2019, at the Sands Expo Convention Center in Las Vegas, NV). For details visit: http://www.ncai.org/conferences-events/ncai-events.

**UCLA IAC Fall Forum** is October 18, 2019, 3-5 PM, at the James West Alumni Center, UCLA, Los Angeles, CA. For information visit: https://www.aisc.ucla.edu/events/iac_fallforum2018.aspx.


The **2nd National NDIS Conference: Doing It The First People Way** is October 23-25, 2019, at Pullman Hotel Cairns, Qld, Australia. For details visit: https://www.icsconferences.org.


**6th International Center for Ethnic and Religious Conflict and Economic development: Is There a Correlation (ICERM) International Conference** is in New York City, October 29-31 2019. Peace and conflict resolution scholars, practitioners, traditional rulers and leaders, indigenous leaders, policy makers, and students from many countries around the world are gathering for the first time in New York City to exchange ideas on the traditional systems of conflict resolution. For details visit: www.icermediation.org.

The **3rd Annual Honoring Native Foodways** may be in November 2019 in the University Center Annex, University of North Carolina, Pembroke. For information go to: https://www.uncp.edu/.

**FALCON Annual Conference** may be in November 2019. For information go to: http://falcon.aihec.org/Pages/FALCONHome.aspx.


**6th Annual International Conference on Poverty and Sustainable Development** may be in December 2019. For information go to: http://povertyconferences.com.
The **2019 National Indigenous Languages Revival & Education Conference** is December 11-13, 2019, at Hilton Hotel, Darwin, NT, Australia. For details visit: https://www.icsconferences.org.

The **2019 National Caring for Country Conference** is December 11-13, 2019, at Hilton Hotel, Darwin, NT, Australia. For details visit: https://www.icsconferences.org.


**AIHEC 2020 WINTER Meeting** is February 3-6, 2020, may be at the Holiday Inn Capitol, Washington, DC. For details visit: http://www.aihec.org/who-we-are/calendar.htm.


**NAFOA - 38th Annual Spring Conference** is April 6-7, 2020 at the J.W. Marriott, Nashville, TN). For details visit: http://www.ncai.org/conferences-events/ncai-events.

**AIHEC 2020 Spring Student Conference** is spring 2020. AIHEC 2020 Spring Student Conference. For details visit: http://www.aihec.org/who-we-are/calendar.htm.


The **2020 Institute on Collaborative Language Research (CoLang)** – held every two years = is at the University of Montana from June 15th – July 17th, 2020, and will be co-hosted by the University of Montana (UM) and Chief Dull Knife College (CDKC). For information about SSILA go to: www.ssila.org.

**AILA (Association Internationale de Linguistique Appliquee) World Congress** will take August 9-14, 2020, at The University of Groningen, in Groningen, The Netherlands. Visit the Congress website <aila2017.com.br> for more detailed information about the venue and the conference, or go to: http://www.aila.info.


9th Biennial International Indigenous Research Conference may be November 2020. For information visit: http://www.indigenousresearchconference.ac.nz.

Annual Tusweca Tiospaye 2019, Lakota Dakota Nakota Language Summit and First Nations Education Summit may be in November 2019 in Rapid City, SD. For details visit: http://tuswecatiospaye.org/.


La Cosecha 23rd Annual Dual Language Conference is November 13 - 16, 2019, in Santa Fe, NM. For details go to: https://www.lacosechaconference.org.


NCAI 2022 Executive Council Winter Session is February 13-17, 2022 in Washington, DC. For details visit: http://www.ncai.org/conferences-events/ncai-events.

American Indian Higher Education Consortium (AIHEC) 2022 Spring Board Meeting is March 23-26, 2022. For information go to: http://www.aihec.org/who-we-are/calendar.cfm.

ICL 21, 21st International Congress of Linguists may be in July 2023. For details go to: https://aila.info/2018/05/06/icl-20/.

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350.Org stated in an E-mail, July 12, 2018, "This is big. Really big. **Pope Francis just called for urgent collective action to repair the planet**, and gave his blessing to 'citizen pressure groups' organizing ahead of the Global Climate Action Summit in September. That means us.

**Just before the Summit, we will call for decisive action on climate with actions across the globe and a mass march in San Francisco.**

On September 8th, thousands of people will come together in San Francisco where the Summit is taking place, and in towns and cities across the world to demand our local leaders take bold action on climate change and commit to a Fossil Free world. **Will you Rise for Climate with us?**

At the Vatican Conference last week, Pope Francis made a clear declaration to Catholics and citizens worldwide: it is our duty and our moment to "cooperate in responsibly cultivating and protecting the Earth."

**We will mobilize the weekend before the Summit to show that true climate leadership means nothing less than a fast, fair and just transition to 100% renewable energy that protects communities, creates jobs, and brings an immediate end to new fossil fuel projects.**

We’ll be **demanding that local and civic leaders take real climate action** - and each gathering, however big or small, will help build momentum. **Each and every action around the U.S. will help bolster our efforts and show solidarity with communities impacted by the climate crisis.**

It’s up to us to make this more than a political flashpoint. Every city has been invited to make a commitment in the lead up to the Summit. We must demand and help implement commitments to climate justice in our states, cities, places of worship and neighborhoods.

Together, we will not stop fighting for a just and equitable future. **Rise with us on September 8th:** https://riseforclimate.org/?referrer=350-org&source=tagged.

350.org, "An urgent Message from the World,” December 6, 2018, stated, “**Right now at the COP24 climate conference in Poland, our mission is crystal clear: we have 10 years to take down the fossil fuel industry and fight for a just 100% renewable energy future.**

No matter where you live or who you are, the scientists behind the Intergovernmental Panel on Climate Change (IPCC) report agree: we have just over 10 years to keep temperatures from warming above 1.5 C to avoid the most catastrophic effects of climate change.

It’s a global threat that requires a global response. But that is 350’s greatest strength. Already, everywhere from South Africa to Brazil to Japan, our staff are facing enormous odds, and still putting everything on the line to take on the fossil fuel industry—resisting, delaying and defeating fossil fuel projects.

**Staff around the world recorded this quick video [at the above link] to show you how people power has taken on the fossil fuel industry in 2018 and share how we plan to scale up our fight in 2019 – with your support."**

Presented by Ruth Kaviok, National Inuit Youth Council of Canada and Inuit Circumpolar Council

'I fear for my future. I fear for my community.' These words were spoken by a 17-year old from the Salt River First Nation in Northern Canada during the first meeting of the Indigenous Peoples Caucus at COP 24 and he told about the diminishing traditional food and water sources and drastic weather changes already affecting his Peoples.

Indigenous youth of the world stand before you today to affirm that we share his fears for our future. We were outraged to read the recent Emissions Gap Report from UNEP, which stated that greenhouse gas production actually increased last year, indicating that current State actions to reduce emissions are falling far short of what is required to meet the essential 1.5 degree goal of the Paris Agreement. The IPCC now predicts a temperature rise of 3 degrees or more at the current rate, which means two-to-three times higher in the Arctic. This will be devastating for Indigenous Peoples in the Arctic and around the world.

Indigenous Peoples have been at the forefront in warning about the impacts of the unabated production of greenhouse gases by the fossil fuel-based energy economy. The recent fires in California demonstrate that we are not alone in facing relocation, loss of life and our communities. We call upon the delegates to this COP to commit to a just transition to sustainable energy before it’s too late for Indigenous Peoples, and for yourselves.

We have agreed to work with you to develop a new Platform for the protection and exchange of Indigenous traditional knowledge, based on equal participation, respect for our rights and recognition of the innovative and time-tested solutions we can offer to the world community. We are committed to carry this through at COP 24.

The children yet to come will look back on your actions at this critical moment and ask what you did to ensure a viable future for them. What will you tell them?"

Jake Johnson, "This Is Zero Hour': Youth-Led Marches Across the Globe Demand Immediate and Ambitious Climate Action: 'Climate change is our last chance to either fix colossal systems of inequality or reach a chaotic state where your privilege ultimately decides if you live or die,'" Common Dreams, July 21, 2018, https://www.commondreams.org/news/2018/07/21/zero-hour-youth-led-marches-across-globe-demand-immediate-and-ambitious-climate, reported, "Declaring that climate change is 'an issue of survival' that must be confronted with urgency, young activists across the globe on Saturday kicked off three days of marches and demonstrations to pressure elected officials to 'reject the corrupting monetary influence of fossil fuel executives,' ban all new dirty energy developments, and safeguard the planet for both its current inhabitants and future generations."
'Climate change is our last chance to either fix colossal systems of inequality and emerge as a more efficient, better equipped society as a whole, or reach a chaotic state where your privilege ultimately decides if you live or die,' said 16-year-old climate activist Ivy Jaguzny ahead of Saturday's events, which are expected to take place 'in cities from Washington, D.C. to Butere, Kenya.'

'This isn't something that's going to affect us 70, 80 years in the future,' added Talia Grace, social media director for Zero Hour, the movement behind this weekend's mass actions. 'This is going to affect us. Our futures, our careers, our lives.'

'This Is Zero Hour,' the slogan and label of the worldwide marches, is aimed at clearly articulating the necessity of immediate and bold climate action as warming global temperatures continue to spark extreme weather events and wreak havoc, disproportionately inflicting irreversible harm on the poorest nations and most vulnerable communities.

A year of relentless organizing and planning in the making, the three days of action beginning Saturday are bolstered by a detailed and ambitious platform (pdf) that calls on political leaders to:

Respect the rights of Indigenous people;
'Recognize the constitutional right of youth to a livable climate';
Eliminate all fossil fuel subsidies 'immediately'; and
'Ban all new fossil fuel infrastructure and make massive investment in local solar and wind energy companies' in the coming years.

'Kids are suing the government, we're marching, we're lobbying, we're just pretty much just getting down and just begging them: Can I not have a world that's totally falling apart?' Jamie Margolin, a 16-year-old environmentalist, told the Huffington Post.

'Everything is on the line, so it's very hard to plan your future assuming that everything is going to be the same when you know it's not,' Margolin added. 'It's really scary, especially for a young person who is looking into what I want to do with my life... I just want to have a world to grow up in where I can live my life and not have to worry about such existential fears.'

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As world leaders continue to negotiate a global game plan for climate action on the final day of the COP24 summit in Katowice, Poland, more than 150 representatives from movements across the globe came together for a sit-in to demand that governments 'stand with people, not polluters' and 'commit to action in line with the urgency of the crisis.'

The purpose of the 'corporate-captured U.N. climate talks,' as the activists have called them, is to write a rulebook for the 2015 Paris agreement—supported by every nation on Earth except the United States, thanks to President Donald Trump's vow to withdraw from it. The accord aims to limit global warming within this century to 1.5°C above pre-industrial levels. "Governments must take responsibility and provide real leadership to halt climate breakdown. They are failing completely to do so, and their failures are on full display here at COP24," charges a statement from the sit-in organizers. "Inside these halls, we are calling on the rich polluting countries to stop obstructing progress and to support the just transition we need.'

Demanding 'climate justice and a world under 1.5°C of warming,' and accusing decisions-makers of sticking to "business as usual,' 'system change, not climate change,' and 'which side are you on?"

The People's Demands, drafted with input from southern movements and climate justice groups worldwide, are:

- Keep fossil fuels in the ground;
- Reject false solutions that are displacing real, people-first solutions to the climate crisis;
- Advance real solutions that are just, feasible, and essential;
- Honor climate finance obligations to developing countries;
- End corporate interference in and capture of the climate talks; and
- Developed countries must honor their "Fair Shares" for largely fueling this crisis.

Friday also saw U.N. Secretary-General António Guterres—who warned on Wednesday that 'it would be suicidal' to conclude COP24 without a bold strategy to limit global warming—return to Poland 'to add support for a successful outcome,' and youth activists striking in solidarity with 15-year-old Swedish climate advocate Greta Thunberg.

Poland, the global summit's host country, began circulating a draft of the Paris accord's rulebook on Wednesday and, according to BBC News, negotiators are 'preparing to work well past the official close of the conference on Friday evening.' Activists have expressed concern that in its current form, it won't ensure accountability for efforts to slash greenhouse gas emissions in hopes of curbing global warming.

A key U.N. report released in October—which triggered a diplomatic standoff at the talks between a few oil-exporting nations, including the United States, and the rest of the world—warned that the international community must take immediate and unprecedented action to avert climate catastrophe.

COP24 comes amid worldwide protests demanding dramatic climate action in light of record-breaking levels of carbon emissions, 'off the charts' rates of melting ice, and rapidly increasing concerns about extreme weather and species extinction. As one climate scientist concluded in Poland on Thursday, 'I've worked on this for 30 years and I've never been as worried as I am today.'

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Julia Conley, “Rallies Planned for Cities Nationwide to Back Climate Youth Battling Trump in #TrialoftheCentury: ‘All of us have a responsibility to double down in supporting the
young people holding the U.S. government responsible for perpetuating climate change and threatening our collective future." Common Dreams, October 25, 2018, https://www.commondreams.org/news/2018/10/25/rallies-planned-cities-nationwide-back-climate-youth-battling-trump, reported, “Supporters of 21 children and young adults who are suing the federal government will gather in cities and towns across the U.S. in the coming days to urge the justice system to hear the plaintiffs’ case.

The plaintiffs in the landmark climate case Juliana vs. the U.S. were planning to bring their case to trial this coming Monday, October 29, after fighting in the courts for three years in order to hold the government accountable for its failure to protect their generation from the climate crisis.

The U.S. Supreme Court took the highly unusual step of issuing a stay on the case at the request of the government—which argued the cost of litigation would be burdensome.

‘As the administration pulls out every attempt to delay, deceive, and distract us from what's being considered the trial of the century, it makes you wonder just what they're hiding,’ —Thanu Yakupitiyage, 350.org

‘This lawsuit could change everything, but the federal administration continues to try and silence these courageous youth,’ said Thanu Yakupitiyage, communications manager for 350.org. ‘All of us have a responsibility to double down in supporting the young people holding the U.S. government responsible for perpetuating climate change and threatening our collective future.'

In response, the young plaintiffs, who are represented by Our Children's Trust, quickly pulled together a 103-page brief ‘in hopes of receiving a decision from the Chief Justice before the week’s end.’

The rallies will be held on Sunday and Monday in cities including Eugene, Oregon, where the trial was scheduled to begin in a U.S. District Court; Washington, D.C.; and New York, with supporters demanding the case be allowed to move forward. A map showing the locations of the events in nearly every state in the nation is available here: https://actionnetwork.org/event_campaigns/trial-of-the-century-day-of-action?source=350.

The 21 Juliana v. US youth plaintiffs are suing the federal government for violating their constitutional rights by causing #climatechange. The government continues to try to silence them. Stand in solidarity with these climate heroes on Monday: https://t.co/g2B0sGT4a3 #youthgov pic.twitter.com/48gym7vyY1
— Our Children's Trust (@youthgov) October 23, 2018

‘As the administration pulls out every attempt to delay, deceive, and distract us from what's being considered the trial of the century, it makes you wonder just what they're hiding," said Yakupitiyage. "That's why thousands of people will rally across the country, demanding these youth voices are heard and that the government act in accordance with our constitutional rights to life, liberty, and property."

The plaintiffs ‘allege that the U.S. government has knowingly violated their constitutional rights for over 50 years by causing and contributing to climate change,’ said Our Children's Trust in a call to action.

‘On October 29th,’ the group added, the young people ‘will march into court—with America standing behind them—to demand a science-based National Climate Recovery Plan; a plan that would end the reign of fossil fuels and require the United States government to do its part to address dangerous climate change for young people and all future generations.’

This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License.”

Youth climate activists with the Sunrise Movement and Justice Democrats were arrested on Capitol Hill Monday for staging a sit-in at the Washington, D.C. office of Rep. Nancy Pelosi (D-Calif.)—who is expected to serve as the next speaker of the House—to demand that congressional Democrats back a "Green New Deal.

Long a demand by the climate justice movement—and popularized in the latest election cycle by incoming progressive Democrats like Alexandria Ocasio-Cortez and Antonio Delgado of New York, Deb Haaland of New Mexico, Rashida Tlaib of Michigan, and Ilhan Omar of Minnesota—a Green New Deal would pair actions to address the global climate crisis with policies to create jobs and a more just economy.”

Unite Humanity Against Climate Catastrophe has rapidly become extremely active, according to an E-mail from Victoria Fernandez, Sunrise team@sunrisemovement.org, December 10, 2018. "It’s working. Our generation is turning the tide of history. Let me explain.

A month ago, no one was talking about the Green New Deal. Nancy Pelosi was preparing to resurrect a failed climate committee from a decade ago. We marched into her office and joined with Rep.-elect Ocasio-Cortez to demand a Select Committee for a Green New Deal. In only three weeks, 22 Congressional Democrats signed on.

Then, just this morning, 1,000 of us went back to offices of the Democratic leadership. 143 were arrested. The New York Times, NBC, CBS, the Washington Post, the AP, and dozens of other outlets covered our challenge to Democratic leaders.

And we saw our pressure working. One of the most powerful Democrats in the House, Rep. Jim McGovern, stepped out of his office to declare his commitment to forming the Select Committee for the Green New Deal. As news of our protest spread, four more Representatives - Barbara Lee, Peter Welch, and Eleanor Holmes Norton, and Steve Cohen - also committed to supporting the Select Committee.

These are huge wins. But nothing is certain until the rest of Democratic leadership—especially Nancy Pelosi—approves the Select Committee.
We’re going to mobilize every resource and every volunteer we can to get this done before Congress breaks for winter recess this Thursday. We’ve got 3 more days to win this and guarantee the Green New Deal makes it onto the 2019 Congressional agenda.

In the next three days, Democrats will finalize their 2019 agenda and leave D.C for the holidays. What they do between now and then will determine whether we get a Select Committee for a Green New Deal with mandate to draft the most ambitious climate legislation ever.

Today’s action - and the new allies we’ve won in the Democratic caucus - have brought us closer to victory than ever before. But too many people in the Democratic establishment are still too comfortable delaying action, accepting money from fossil fuel executives, and condemning our generation to catastrophe.

But we have a growing movement of young people from across the country, and that could make all the difference. We need to train new leaders, expand our phonebanking and digital tools, and ramp up our lobbying efforts as fast as possible."

Michael "Little Feather" Giron, Costal Band of the Chumash Nation," became the first Dakota Access Pipeline Water Protector to be sentenced to prison because of his actions opposing the pipeline at Standing Rock. He was sentenced to 36 months in prison on a plea bargain that he took, after finding the local juries hostile and being denied a change of venue ("United States: Native American Water Protector First to be Sentenced to Prison in Pipeline Protests," *Cultural Survival Quarterly*, September 2018.

Leah Temper, "Standing Rock moment: First Nations fight pipelines in British Columbia: People push back against TransCanada project by reviving their own traditions of 'free, prior and informed consent,'" *ICT*, December 14, 2018, https://newsmaven.io/indiancountrytoday/opinion/standing-rock-moment-first-nations-fight-pipelines-in-british-columbia-usMRr3Oy7Eebm15hrZutEg/, commented, "Ground zero in the global battle against climate chaos this week is in Wet'suwet'en territory, northern British Columbia. As pipeline companies try to push their way onto unceded Indigenous territories, the conflict could become the next Standing Rock-style showdown over Indigenous rights and fossil fuel infrastructure.

Since 2010, the Unist'ot'en clan, members of the Wet'suwet'en First Nation, have been reoccupying and re-establishing themselves on their ancestral lands in opposition to as many as six proposed pipeline projects."

Talli Nauman, "Cheyenne River citizens plead against water permit for Pe’ Sla gold prospecting," *ICT*, November 26, 2018, https://newsmaven.io/indiancountrytoday/news/cheyenne-river-citizens-plead-against-water-permit-for-pe-sla-gold-prospecting-H0oGwlzEa0K_92ujJW_LFQ/, reported, "South Dakota state officials announced on Nov. 13 that they will take testimony from four Cheyenne River Sioux tribal members who want to nix a permit for temporary use of Rapid Creek water in gold exploration near the sacred Pe’ Sla trust in the Black Hills."

"The plaintiffs lost a similar case they filed in state Circuit Court regarding the temporary water permitting for the gold prospecting, due to jurisdictional procedure arguments. The latest filing alleges that issuing a temporary water permit would be 'arbitrary, capricious, and contrary to the laws of the state of South Dakota.'"
The tribal members say that 'the proposed water use and gold exploration will pollute or otherwise adversely affect the land, natural resources, and water in the Black Hills and will pollute or otherwise adversely affect the flow of water in Rapid Creek, which feeds Pactola Reservoir, which is the largest reservoir in the Black Hills and provides drinking water to residents and persons who visit Rapid City, South Dakota, and the proposed water use and gold exploration will cause noise and disruption and interfere with the solitude of the Black Hills.'”

Greenpeace, December 14, 2018, https://engage.us.greenpeace.org/onlineactions/G_TbiQrLEu6iVHuFSW81YA2?emci=4414afff-1aff-e811-9f2a-2818784f9b65&emdi=9ebf7bed-b0ff-e811-9f2a-281878391efb&fn=Stephen&ln=Sachs&em=ssachs@earthlink.net&pc=&hp=3179245965&mp=&utm_source=ea&utm_medium=email&utm_campaign=181213_palmvic_6monnd___ez8zzzzzzzzzzz&sourceid=1005064, reported, "After an incredible few months, and 1.3 million of you taking action, the world's largest palm oil trader, Wilmar, released a groundbreaking plan that gives forest-destruction palm oil companies nowhere to hide."

- Map all of its palm oil suppliers
- Use satellites to monitor them
- Suspend any suppliers that destroy forests"

Jessica Corbett, “Calling for ‘Corridor of Life and Culture,’ Indigenous Groups From Amazon Propose Creation of Largest Protected Area on Earth: ‘We have come from the forest and we worry about what is happening.’" Common Dreams, November 21, 2018, https://www.commondreams.org/news/2018/11/21/calling-corridor-life-and-culture.indigenous-groups-amazon-propose-creation-largest?, reported, “Alarmed by rampant destruction in the Amazon rainforest and the long-term impacts on biodiversity, an alliance of indigenous communities pitched the creation of the world's largest protected area, which would reach from the Andes to the Atlantic Ocean, at a United Nations conference in Egypt on Wednesday.

‘We have come from the forest and we worry about what is happening," declared Tuntiak Katan, vice president of COICA, the alliance. ‘This space is the world's last great sanctuary for biodiversity. It is there because we are there. Other places have been destroyed.’

COICA, which represents about 500 groups across nine countries and is seeking government-level representation at the U.N. Convention on Biodiversity, aims to safeguard a "sacred corridor of life and culture" about the size of Mexico."
The alliance hopes to implement an ‘ambitious’ post-2020 regional plan to protect biodiversity in the Andes-Amazon-Atlantic or ‘triple-A’ corridor from agribusiness, mining, and the global climate crisis, but they are also concerned about territorial rights, as they don't recognize modern national borders created by colonial settlers.

‘Indigenous communities are guardians of life for all humanity, but they are in danger for protecting their forest,’ Katan said. ‘We are integrated with nature—it runs through our lives and we need rights to defend it.’

While fighting for the right to defend the forest from development and the impacts of global warming, the indigenous groups said they welcome opportunities for collaboration.

**Although Colombia had crafted a similar triple-A plan that was set to be unveiled at next month’s climate talks, as the Guardian noted, ‘the election of new rightwing leaders in Colombia and Brazil has thrown into doubt what would have been a major contribution by South American nations to reduce emissions.’**

Outlining recent shifts in regional politics, the newspaper reported:

Colombia's initial proposal was smaller and focused only on biodiversity and climate. But government enthusiasm has waned since an election in June in which the rightwing populist Iván Duque took power. Brazil was more sceptical but had previously engaged in ministerial-level talks on the corridor-plan. Its opposition is likely to grow under its new rightwing president, Jair Bolsonaro, who will take power in January.

Last month Bolsonaro indicated he would only stay in the Paris climate agreement if he had guarantees ensuring Brazilian sovereignty over indigenous land and the ‘triple-A’ region.

Bolsonaro's comments about environmental and indigenous issues on the campaign trail ‘are concerning because they nurture a disturbing tendency in different parts of the world, where almost three-fourths of environmental defenders assassinated in 2017 were indigenous leaders; where opposing agroindustry is the main cause for assassination of our leaders worldwide; and where imposing projects on to communities without their free, prior, and informed consent is at the root of all attacks to indigenous and community leaders,’ said Juan Carlos Jintiach of COICA.

‘Likewise, we see that it is increasingly frequent for indigenous peoples and communities to face costly and difficult processes to legalize their lands, while corporations obtain licenses with ease,’ Jintiach noted, calling on Bolsonaro to obey all laws and ensure the rights and safety of the people of Brazil.

**Despite the changes to the local political climate, Katan vowed the indigenous communities will keep working to play a key role in protecting the forest.** ‘We know the governments will try to go over our heads,’ he said. "This is nothing new for us. We have faced challenges for hundreds of years.'

'Indigenous peoples and local communities are a solution to the devastation of our ecosystems and climate change both in the Amazon as well as in the rest of the world," Katan added in a statement. "But whether policies addressed at mitigating climate change and promoting the restoration of rainforests succeed, depends on the security of having possession of community lands.'

This post has been updated with additional comment from Tuntiak Katan and Juan Carlos Jintiach of COICA.

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Eighty-five people have been arrested as thousands of demonstrators occupied five bridges in central London to voice their concern over the looming climate crisis.

Protesters, including families and pensioners, began massing on five of London’s main bridges from 10am on Saturday. An hour later, all the crossings had been blocked in one of the biggest acts of peaceful civil disobedience in the UK in decades.”


This is a unique chance to return to bipartisan engagement on policy solutions — because a safer world shouldn’t be a liberal or conservative issue. It’s something all Americans deserve."

Here are some crucial details about the bill:
While this bill alone isn’t enough to fully address climate change, it contains important design features that will help advance the policy debate. Unique for a carbon tax bill, it establishes clear and measurable pollution reduction goals along with transparent mechanisms to measure progress and stay on course for meeting them.

It requires that companies pay when they pollute — since it should not be free to pollute in this country. This approach allows companies flexibility to choose how best to cut climate pollution, while creating incentives to invest and innovate in clean technologies.

And credible analysis of the Market Choice Act shows that under the policy, America’s power sector could slash emissions by more than half by 2030, in comparison to 2005 levels.

Let’s be clear: we’re not endorsing any specific legislative proposal at this early stage. But we do need to recognize the importance of advancing climate action — on bothsides of the aisle.

To have any hope of truly addressing the climate crisis, we need Republicans willing to take it seriously and buck the party line. This is a crucial step towards revitalizing a serious and meaningful conversation about solutions.

It’s time to make protecting the American people a bipartisan issue again."

Americans for Carbon Dividends, a lobbying group with conservative credentials, also backed by Bernie Sanders and Janet Yellen, are starting a campaign with advertisements to begin running in fall 2018, for a national carbon tax on greenhouse gas emissions (John Schwartz, "Laying Groundwork for a Carbon Tax that Pays Dividends,” The New York Times, June 20, 2018).
Citizens' Climate Lobby (https://citizensclimatelobby.org), "We exist to create the political will for climate solutions by enabling individual breakthroughs in the exercise of personal and political power," states, "Citizens’ Climate Lobby is a non-profit, nonpartisan, grassroots advocacy organization focused on national policies to address climate change.

Our consistently respectful, nonpartisan approach to climate education is designed to create a broad, sustainable foundation for climate action across all geographic regions and political inclinations. By building upon shared values rather than partisan divides, and empowering our supporters to work in keeping with the concerns of their local communities, we work towards the adoption of fair, effective, and sustainable climate change solutions.

In order to generate the political will necessary for passage of our Carbon Fee and Dividend proposal we train and support volunteers to build relationships with elected officials, the media and their local community."

The Climate Change Leadership Institute (CCLI), http://www.takeresponsibility.us, "is a non profit organization dedicated to phasing out greenhouse gas emissions & empowering community thru the ethics of conservation, the adoption of clean energy and the act of taking responsibility as a civil society. To these ends, we offer direct action projects & seed grants, paid student internships, ecology education, climate action events and integrity oriented environmental stewardship initiatives.

Our Mission

CCLI believes communities have the strength to raise our nation - the highest per capita and historical emitter of greenhouse gases - up to the forefront in helping sustain life and liberty on earth. It is incumbent on us to completely break away from the fossil fuel economy that caused and perpetuates the climate challenge threatening civilization and instead to power our society wholly with renewable energy and state of the art energy efficiency with a premium on conservation. As we carry out the new era of energy and restoration - comprehensively committing to sustainability and righting climate injustices - we will once again serve as a beacon of light in the world.

In carrying out the mission – working through community and civil society to advance bold US leadership addressing climate change and uplifting those most vulnerable – the Climate Change Leadership Institute adopts the following central organizing principles and approaches to change-making: Education, Direct Action, Justice, Innovation, Stewardship, and Conservation.

Programs in New Mexico include:

“MM Healthy Soils Initiative: The health of our soil underpins the vitality of our state’s economy & ecosystem; yet, according to the USDA’s National Resources Inventory, a majority of our working lands are facing serious degradation. Supporting soil health stewardship statewide, which this initiative is seeking, will lead to major benefits: improved water retention, reduced soil erosion, increased resilience to extreme weather events & drought, greater profitability of farms & ranches, better health & the meaningful sequestration of atmospheric carbon.”

“The Art of Climate Justice: Every year CCLI - along with an awesome team of hosts, sponsors & partners including the Santa Fe Public Schools - encourages students to deploy their limitless creativity & artistic talents into climate action! The Art of Climate Justice is for any
interested Santa Fe students (4th grade thru community college) that wants to make a vital difference in our community for our world.”

“Weatherizing homes in Northern New Mexico: Every winter CCLI provides the funding and brings together a host of partners (the Mortgage Finance Authority, Central New Mexico Housing Authority, LANL Community Relations & more) to weatherize homes in northern New Mexico for families in need. This can involve sealing ducts, installing insulation, energy efficient furnaces, programmable thermostats, low flow faucets, carbon monoxide monitors and much more. The outcomes are reduced emissions, water savings, health, safety and warmth benefits, supporting jobs in a worthy profession and a lot of money saved from the resulting reduced utility bills which families can use for their vital needs.”

“A Carbon Free Dividend for NM: Last session the NM Senate passed a memorial #23 calling for a study on a carbon fee & dividend program in New Mexico, which is pretty impressive given that we are an "Oil & Gas" state. What's more impressive is the final work product of Climate XChange which shows a viable path forward. Climate Defenders and partners (including the Climate Change Leadership Institute) funded the study and just last week local students presented an overview of it to the interim committee on natural resources...now it's time to take this to the next level of legislation and action. You can help by reading the report and getting behind this important endeavor.”

Andrea Germanos, “‘This Is Our Darkest Hour’: With Declaration of Rebellion, New Group Vows Mass Civil Disobedience to Save Planet: ‘We have a right and duty to rebel in the face of this tyranny of idiotcy—in the face of this planned collective suicide,'" Common Dreams, “Wednesday, October 31, 2018.  https://www.commondreams.org/news/2018/10/31/our-darkest-hour-declaration-rebellion-new-group-vows-mass-civil-disobedience-save?cd-origin=rss&utm_term=%27This%20Is%20Our%20Darkest%20Hour%27%3A%20With%20Declaration%20of%20Rebellion%2C%20New%20Group%20Vows%20Mass%20Civil%20Disobedience%20to%20Save%20Planet&utm_campaign=On%20the%20Brink...%20of%20What%20%7C%20Your%20Week%20%7C%20Your%20Review&utm_content=email&utm_source=Weekly%20Newsletter&utm_medium=Email&cm_mmc=Act-On%20Software---email---On%20the%20Brink...%20of%20What%20%7C%20Your%20Week%20%7C%20Your%20Review---%27This%20Is%20Our%20Darkest%20Hour%27%3A%20With%20Declaration%20of%20Rebellion%2C%20New%20Group%20Vows%20Mass%20Civil%20Disobedience%20to%20Save%20Planet, reported, “To underscore the planetary emergency and denounce the U.K. government's inaction on the climate crisis, a new group calling itself Extinction Rebellion rallied over 1,000 people to block Parliament Square in London on Wednesday. The direct action marks the launch of a mass civil disobedience campaign, with the group issuing a ‘Declaration of Rebellion’ against the government because the activists ‘refuse to bequeath a dying planet to future generations by failing to act now.’

Police arrested 15 people taking part in the action, but organizers say the wrong people were taken into custody. ‘If we lived in a democracy,’ Extinction Rebellion declared in a tweet, "the police would be here to arrest the criminal politicians who are wrecking the planet."

Noted speakers at the action included Green Party MP Caroline Lucas, journalist George Monbiot, and 15-year-old Greta Thunberg, the Swedish schoolgirl "on strike" from school over her own government's climate inaction. ‘We're facing an immediate unprecedented crisis that has never been treated as a crisis and our leaders are all acting like children. We need to wake up and change everything,' she stated.

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Green Party MEP Molly Scott Cato took part as well. In an op-ed at the Guardian, she explained that she felt there was no alternative to being a lawmaker turned law-breaker. ‘We are prepared to halt lorries entering fracking sites; to stand in the way of bulldozers building roads and block traffic along heavily congested and polluted streets. Direct actions like these have a long and proud history; it's time to carry them through in a systematic way to protect the climate, and to be willing to be arrested for doing so.’

Pointing to the latest IPCC report and the World Wildlife Fund's latest assessment of the Earth's declining biodiversity, she added, ‘It is no exaggeration to say that our survival as a species is at risk. Enough. Enough of words; of hypocrisy and broken promises. It's time to act.’

The declaration declares, in part: ‘The ecological crises that are impacting upon this nation, and indeed this planet and its wildlife can no longer be ignored, denied, nor go unanswered by any beings of sound rational thought, ethical conscience, moral concern, or spiritual belief.’

As such, we ‘declare ourselves in rebellion against our government and the corrupted, inept institutions that threaten our future,’ it continues.

They charge they government of having ‘wilful complicity’ that ‘has shattered meaningful democracy and cast aside the common interest in favor of short-term gain and private profits.’

‘This is our darkest hour... The science is clear—we are in the sixth mass extinction event and we will face catastrophe if we do not act swiftly and robustly.’— Declaration of Rebellion ‘This is our darkest hour... The science is clear—we are in the sixth mass extinction event and we will face catastrophe if we do not act swiftly and robustly.’— Declaration of Rebellion The declaration, said noted U.S. climate activist and author Bill McKibben, ‘should ring true not just for Brits, but for Americans (who have a declaration in their past) and for people anywhere.’

Wednesday's action was far from the end of the road for Extinction Rebellion; they've got a week of action lined up for mid-November in London if their three demands—that the government openly communicate the severity of the crisis and urgency for change; enact legally binding policies to slash emissions; and allow for a Citizens' Assembly to monitor and hold government to account for enacting to ‘the bold, swift, and long-term changes necessary’—aren't met.

‘This is just a warm up. Rebellion Day is on November the 17th. Same time, same place,’ the environmental group, which is backed by nearly 100 leading academics, tweeted.

The escalating actions, they say, are because we "are raging against this madness and our hearts are breaking."

‘We have a right and duty to rebel in the face of this tyranny of idiocy—in the face of this planned collective suicide.’

‘We are going to act,’ the group says, ‘and in acting together we will overcome.’

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Oil Change International stated, September 26, 2018, https://act.climatetruth.org/sign/SFF-germany/?t=1&akid=16488%2E18520%2EROcFf6, “Yesterday, the European Bank for Reconstruction and Development (EBRD) released its draft energy sector strategy – and it's even worse than we thought. It's a mess that leaves way too much room for taxpayer dollars to go to new fossil fuels, particularly gas.
So far, more than 4,600 of us have taken action to demand that Germany stop obstructing climate leadership at the EBRD. For an institution like the EBRD, even a few hundred messages can have an impact – and we're generating thousands. Now is a crucial window to take action and ramp up the pressure on Germany to do the right thing and fix this draft.”

For more information go to: https://act.climatetruth.org/sign/SFF-germany/?t=1&akid=16488%2E18520%2EROcFf6.

NARF, “Rosebud Sioux Tribe And Fort Belknap Indian Community File Suit To Rescind The Keystone XI Presidential Permit,” Cultural survival, September 10, 2018, https://www.culturalsurvival.org/news/rosebud-sioux-tribe-and-fort-belknap-indian-community-file-suit-rescind-keystone-xl, reported, “The Rosebud Sioux Tribe (Sicangu Lakota Oyate) and the Fort Belknap Indian Community (Assiniboine (Nakoda) and Gros Ventre (Aaniiih) Tribes) in coordination with their counsel, the Native American Rights Fund, today sued the Trump Administration in the U.S. District Court for the District of Montana, Great Falls Division, for numerous violations of the law in the Keystone XL pipeline permitting process [Complaint filing at: https://www.narf.org/wordpress/wp-content/uploads/2018/09/keystone-complaint.pdf]. The Tribes are asking the court to declare the review process in violation of the Administrative Procedure Act (APA), the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA) and to rescind the illegal issuance of the Keystone XL pipeline presidential permit.

On March 23, 2017, the U.S. Department of State granted TransCanada’s permit application and issued it a presidential permit to construct and operate the Keystone XL Pipeline. This decision reversed two previous administrative decisions and was done without any public comment or environmental analysis. The permitting process was completed only 56 days after TransCanada submitted its application for the third time. The State Department provided no explanation in the 2017 decision for its contradictory factual finding; instead, it simply disregarded its previous factual findings and replaced them with a new one. The reversal came as no surprise. According to a 2015 personal public financial disclosure report filed with the Federal Election Commission, then-candidate Trump held between $250,000 and $500,000 worth of stock in TransCanada Pipelines, Ltd. NARF Staff Attorney Natalie Landreth explains, ‘President Trump permitted the Keystone XL pipeline because he wanted to. It was a political step, having nothing to do with what the law actually requires. NARF is honored to represent the Rosebud Sioux and Fort Belknap Tribes to fully enforce the laws and fight this illegal pipeline.’

Snaking its way from Alberta to Nebraska, the pipeline would cross the United States-Canada border in Philips County, Montana, directly adjacent to Blaine County and the Fort Belknap Indian Reservation. The pipeline would cross less than 100 miles from the headquarters of the Fort Belknap Indian Reservation and run directly through sacred and historic sites as well as the ancestral lands of the Gros Ventre and Assiniboine Tribes. In South Dakota, the pipeline would cross through Tripp County, just miles from the boundaries of the Rosebud Indian Reservation and within yards of Rosebud’s trust lands and tribal members’ allotments. These lands are well within the area of impact for even a small rupture and spill. There are countless historical, cultural, and religious sites in the planned path of the pipeline that are at risk of destruction, both by the pipeline’s construction and by the threat of inevitable ruptures and spills if the pipeline becomes operational. Additionally, the Rosebud Sioux Tribe operates its own water delivery system, which is part of the Mni Wiconi Rural Water Supply Project. The pipeline would cross the two sources of water for the Mni Wiconi Project.
Despite all of these facts, throughout the permitting process, there was no analysis of trust obligations, no analysis of treaty rights, no analysis of the potential impact on hunting and fishing rights, no analysis of potential impacts on the Rosebud Sioux Tribe’s unique water system, no analysis of the potential impact of spills on tribal citizens, and no analysis of the potential impact on cultural sites in the path of the pipeline, which is in violation of the NEPA and the NHPA.

William Kindle, who was president of the Rosebud Sioux Tribe in August 2018 when the Tribal Council authorized NARF to finalize and file this lawsuit, stated at that time that, “As President of the Rosebud Sioux Tribe, I want to make it perfectly clear, and give fair warning to President Trump, Secretary Zinke, The United States Army Corps of Engineers, TransCanada and their financial backers and potential investors, South Dakota Governor Daugaard, Representative Noem, and Senators Thune and Rounds that the Rosebud Sioux Tribe opposes the construction of the Keystone XL pipeline. Through our attorneys—the Native American Rights Fund—the Rosebud Sioux Tribe will use all means available to fight in the courtroom this blatant trespass into Sicangu Lakota territory.”

350.org reported via E-mail, August 30, 2018, http://act.350.org/letter/call-gov-dayton/?akid=50762.51426.00wfwm&rd=1&t=6&utm_medium=email&utm_source=actionkit, "Courageous pipeline fighters in Minnesota are currently facing off against the enormous Line 3 tar sands pipeline, including 30 people who were arrested yesterday taking direct action to urge the Governor to stop the project.

We know how pipelines get stopped: by thousands of people standing together and taking action. You can help stop another tar sands pipeline – stand in solidarity with Indigenous water protectors and call the Governor of Minnesota today.

Enbridge Energy secured their permits in June to move forward with the project – ignoring the input of tribal nations and climate science. Our friends and allies in Minnesota have asked us to stand with them and call their Governor, Mark Dayton, to thank him for his work opposing Line 3 so far and ask him to intervene and stop Line 3.

This pipeline would transport more than 760,000 barrels of tar sands oil from Canada every day, crossing the Mississippi headwaters and forcing downstream pipeline expansions throughout the Midwest. It would be disastrous for the climate -- and devastating for communities near and far."

"Indigenous-led resistance is stopping the fossil fuel industry in its tracks. It’s been 521 days since Trump 'approved' Keystone XL, and it still hasn’t been built. Not even close.

Pipeline fighters and Ojibwe Bands opposed to Line 3 filed legal challenges against the pipeline’s environmental review, and are building resistance on the ground and in communities.

If built, this pipeline would put a $287 billion cost on future generations from climate change, contributing to climate chaos we’re already watching play out in the forest fires all across the west."

350.org stated by E-mail, October 31, 2018, “Trucks and trains full of pipes slated for Keystone XL have started to arrive in South Dakota and Montana as TransCanada begins pre-construction.

We’ve stopped this pipeline before, and we’ll stop it again. Thank you for submitting a public comment to the state department calling out Trump’s latest sham environmental review of this project – it’s our best opportunity right now to stand in solidarity with Indigenous communities and stop KXL."
The deadline is in 8 days and every comment helps build the case against Keystone XL. Can you share this action with your friends on Facebook, Twitter or email?

The law requires that these comments are tallied, analyzed, and considered in the final environmental review. We can make our voices opposing this pipeline heard if we have too many signatures for them to ignore.

In August, a federal judge ruled that the federal review of the pipeline was inadequate – so the Trump Administration came back just 37 days later with another rushed job claiming the impacts of the project would be ‘minor.’ Yet just last year, the Keystone 1 pipeline spilled more than 200,000 gallons of dirty oil in South Dakota.

We can’t let the Trump administration re-write the facts about the harm Keystone XL would do to the climate and communities. Share this action now.

There are only 8 days left before the deadline. This fight is about to ramp up, but we’re ready. There are three active lawsuits, 17,000+ people ready to take peaceful action in solidarity with Indigenous communities on the route if called upon, and a strong coalition led by Indigenous leaders that’s prepared to take on whatever comes. Keystone XL would be game over for the climate – and we must stop it with everything we’ve got.”

Bold Iowa, http://boldiowa.com/alert-second-dapl-line-in-the-works/, in conjunction with Indigenous Iowa, stated in an E-mail, October 9, 2018, “In a world where it seems that most news is bad news, I’m sorry to have to pile on. But it’s better to know the truth than to live in denial — and if the truth doesn’t always set you free, it at least let’s you know what you’re up against and gives you a fighting chance to push back.

So, here’s the bad news: Energy Transfer Partners (ETP) is planning to lay a second pipeline across Iowa!

Last week, I received an anonymous call from a long-time professional in the oil industry. I’m by nature cautious and not inclined to believe claims that aren’t well founded. So, I spent close to three hours on the phone with the caller. I also did a whole lot of additional research to corroborate what they told me.

Sorry to say, but their claim adds up. Just as ETP was quiet about DAPL #1 in 2014 — not letting the public know until it had bought off Iowa’s political establishment and had its ducks in a row — ETP wants to keep this new pipeline under wraps as long as possible.

We can’t let that happen! If we are to defeat this new pipeline, we have to start organizing NOW. One of Bold Iowa’s next steps is to determine what exactly ETP has to do to site the new pipeline, since it’s not immediately clear what existing easements allow.

Beyond that, there are three things YOU can do to help. Here’s our call to action:

1. Ask state and federal candidates running for office in Iowa if they support or oppose a second Dakota Access pipeline running diagonally across Iowa. We especially need to know where the candidates for governor and US Congress stand, but also candidates for the state legislature. Ask them (documented with a video if possible), let us know what they say, and we’ll spread the word so voters know.

2. Donate to Bold Iowa. We need your financial support to keep this fight going. Please consider a monthly donation as that gives us the solid base we need to focus on our work. We already spend way less time fundraising than most non-profits, and our monthly donors make that possible.
3. Share this press release through your social media connections and with any member of the mainstream media you have a connection with. Here’s a link to the release and the full text:
Contact: Ed Fallon at (515) 238-6404 and ed@boldiowa.com or Christine Nobiss at (319) 331-8034.


The proposed pipeline will cross the central Allegheny Highlands, the Blue Ridge Mountains, and the adjacent valleys. It will cut through 30 miles of national forest and cross numerous rivers, streams, and wetlands. This area represents the heart of the remaining wild landscape in the eastern United States, and it is a major biodiversity refugium that can only increase in rarity and importance.

The proposed pipeline will be 42 inches in diameter, requiring excavation of an 8 to 12-foot-deep trench and the bulldozing of a 125-foot-wide construction corridor straight up and down multiple steep-sided forested mountains. It will require construction of heavy-duty transport roads and staging areas for large earth-moving equipment and pipeline assembly. It will require blasting through bedrock, and excavation through streams and wetlands. It will require construction across unstable and hydrologically sensitive karst terrain.

Pipeline construction on this scale, across this type of steep, well-watered, forested mountain landscape, is unprecedented.

It will be impossible to avoid degradation of water resources, including heavy sedimentation of streams, alteration of runoff patterns and stream channels, disturbance of groundwater flow, and damage to springs and water supplies.

It will be impossible to avoid fragmentation and degradation of intact, high-integrity forests, including habitat for threatened and endangered species and ecosystem restoration areas.”

“The Pipeline Compliance Surveillance Initiative (CSI), a program of the Allegheny-Blue Ridge Alliance (ABRA), is working to crowdsource oversight of Atlantic Coast Pipeline construction.

In support of this effort, ABRA has published the CSI Mapping System 4.0, a unique online geographic information system that includes user-selectable environmental layers and provides access to construction plans and aerial photography of construction in progress. Citizens, technical and legal experts, and even regulatory agency personnel, can access the CSI Mapping System to check actual construction for compliance with agency-approved construction plans.”

“When the Federal Energy Regulatory Commission (FERC) approved construction of the ACP in late 2017, it made its approval conditional upon approvals from other regulatory agencies. However, when a U.S. Fourth Circuit Court of Appeals ruling in May 2018 voided one of the required approvals, Dominion continued with construction of the ACP and FERC did nothing to stop it. Only after the Court voided another permit in August of 2018 and reconfirmed its earlier ruling, did FERC finally issue a stop work order. By then ACP construction activity in West Virginia included over 30 miles of right-of-way clearing and excavation, extensive trenching, and deployment of over 30,000 feet of pipe in the construction corridor. Although Dominion was on notice that it lacked an
essential approval when it chose to continue with construction, FERC has accepted Dominion’s request that it be allowed both to complete installation of deployed pipe in previously excavated trench and to excavate additional trench in steep slope areas. Dominion is gaming the system, and FERC is playing along.”

“The SCIENCE IS MISSING,” June 7, 2018, “DEQ’s waterbody crossing conclusions are without valid support.

The Dominion Pipeline Monitoring Coalition has issued a new report entitled The Agency Has No Records . . . DEQ’s Failure to Use Sound Science to Protect Virginian’s from Pipeline Threats.

The report describes Virginia DEQ’s responses to a series of records requests DPMC filed in the last two months to discover what evidence DEQ has to support its claims that a Corps of Engineers permit will protect Virginia waters where the Atlantic Coast Pipeline and the Mountain Valley Pipeline propose to dig and blast through streams and wetlands.

In nearly every case, DEQ was forced to admit it had no such records, showing that it has not applied the most basic scientific protocols to ensure these waterbody crossings can meet Virginia water quality standards. Administration officials have told the Governor, the State Water Control Board, and the public that it has conducted certain investigations and analyses. However, the results of our information requests refute those claims and show promises that Virginia is relying on science to make decisions have been empty.”


Over 10 years, 3,500 new oil and gas wells would be drilled across 220 square miles of public lands in the Upper Green River region of western Wyoming, a vast expanse of sagebrush steppe that is vital habitat for wildlife including sage grouse, mule deer, and pronghorn.

Adding insult to injury, the Upper Green River area already has a smog problem, which stems directly from a surge in oil and gas development. According to the Bureau of Land Management, the new fracking project would release hundreds more tons of volatile organic compounds and nitrogen oxides (pollutants that form ozone, a key ingredient of smog) each year.”

Action Network stated, October 5, 2018, https://actionnetwork.org/letters/say-no-to-aerial-fumigation-in-colombia?delivery_id=32102492, “Under US pressure, Colombia’s president Duque is planning on resuming aerial fumigations. This is despite widespread research indicating that supply-side eradication doesn't work. What's more, glyphosate has detrimental impacts such as respiratory problems, soil contamination, displacement of communities, miscarriages and eradication of food crops. Write your Representative to demand that this practice be stopped!”
we’re celebrating Indigenous Peoples’ Day in the United States — a time to commemorate the history and culture of Indigenous Peoples across the country and reflect on how we can deepen our solidarity with them in light of the current and historical oppression many Indigenous communities have faced.

Around the world, Indigenous communities continue to confront threats to their traditional lands, cultures, and livelihoods. In a new case, we are supporting Indigenous Ngäbe and Buglé communities who live on Panama’s Atlantic Coast to contest a project that would threaten their very way of life: a 330-km electrical transmission line. The transmission line puts the rights of local communities at risk, traversing the ancestral lands and territories of the Ngäbe and Buglé and some of the last untouched rainforests in the country.

The Ngäbe and Buglé have lived on these lands for thousands of years, yet the Panamanian government has yet to legally recognize the rights of all Indigenous groups in the region to their land — a collective right protected under international law. This lack of recognition has made it incredibly difficult for communities to exercise their right to free, prior, and informed consent regarding development projects, like the transmission line, that could threaten their homes — and the cultural values, traditions, and ethnic identities that are tied to those ancestral territories.

Yet it’s not the transmission line alone that has communities worried. It’s the threat of an even bigger rush of development that would come along with it — from new roads that would tear up the land to massive mining projects that would pollute the rivers.

Backing this project is some $2 million from the International Finance Corporation (IFC), the World Bank’s private lending arm. With CIEL's support, communities are bringing their concerns to both the Bank and Panama’s state-owned National Transmission Company ETESA. They are requesting a dialogue with the company and an investigation into whether the failure to consult local Indigenous communities violates the IFC’s own social and environmental policies.

Now, the IFC’s accountability office is moving forward with the complaint: Communities will be meeting with the accountability office this week in Panama as the first step toward a dialogue with the company behind the project. The Ngäbe and Buglé communities are working to ensure their right to participate in decision-making that affects them, and we are honored to support their struggle; join us in celebrating Indigenous Peoples in Panama and around the world, today and every day.

In Solidarity, Carla García Zendejas, Director, People, Land, & Resources.

P.S. Indigenous communities are on the frontlines of many environmental threats, including climate change. That’s why we’re also working with partners from the International Indigenous Peoples' Forum on Climate Change to highlight States' commitments to respect and protect Indigenous Peoples’ rights and traditional knowledge when implementing the Paris Climate Agreement. Our joint report will help advocates push for rights-based climate action at the upcoming climate negotiations in Katowice, Poland, in December.”

Sum of Us reported by E-mail, November 8, 2018, “Last Friday Pepsi’s business partner Indofood had its palm oil mill and estates' "sustainability certificate" taken away.

Over 240,000 SumOfUs members signed the petition demanding the Roundtable on Sustainable Palm Oil (RSPO) take action against the industry laggard, for exploiting its workers and destroying Indonesia’s rainforest.
Thousands more tweeted and shared a campaign video paid for by SumOfUs members. Together, we pressured the world’s leading palm oil certification body to respond. That's something to celebrate!

Now’s our chance to get Pepsi to finally cut ties with Indofood. Pepsi still cashes in obscene profits from a joint venture partnership with the company, and Pepsi has a new CEO who hasn’t heard from SumOfUs members yet.

Can you help make this victory count by telling Pepsi to distance itself from the toxic palm oil company for good?

Our allies at Rainforest Action Network first revealed Indofood’s abuses two years ago. Together, SumOfUs members used our collective power to drive up pressure this summer and achieve these sanctions.”

For more information go to Rainforest Action Network at: https://www.ran.org/press-releases/palm-oil-giant-indofood-sanctioned-over-labor-rights-violations/.

A group of Dine environmentalist demonstrated against the continuance of the Navajo Generating Station on the Navajo Nation at the headquarters of Avenue Capital Group, in New York City, which was considering funding the station (Alexis Egeland, ”Dine take NGS protest to Manhattan,” Navajo Times, September 13, 2018).

In Germany, in September, Police began clearing protesters who have been living in a dozen tree houses (at one time there were 60) for several years in an attempt to protect what was left of the once vast Hambach forest from the expansion of an RWE open pit coal mine. The protestors pointed out the contradiction between Germany's pledge to greatly reduce carbon emissions and its continuing allowance of coal mining and burning (Melissa Eddy, "In Germany, Coal Protest in Old Forest Is Quashed," The New York Times, September 15, 2015).

“Expired! Congress failed to renew the most important program for funding parks and protecting special places,” The Wilderness Society, October 11, 2018, https://secure.wilderness.org/page/31627/donate/1?ea.tracking.id=AWA1900AE00000&utm_source=en&utm_medium=email&utm_campaign=octoberappeals&utm_term=donors&utm_content=lwcfexpired&ea.url.id=1540121, stated, “Our parks and wildlands could suffer drastically unless you act now. Congress failed to renew America’s top program for protecting parks and our outdoors, but we’re trying to fix that.

The Land and Water Conservation Fund (or LWCF) is an enormously popular program that was established in 1964 to fund conservation and outdoor recreation initiatives. It enjoys widespread support among Democrats and Republicans because it has paid for projects in just about every community in America – and it does so WITHOUT USING TAXPAYER DOLLARS.

The LWCF has been used to protect iconic landscapes in all 50 states, including thousands of places you love from the Grand Canyon to your local ballfield. The fund draws on revenues from oil and gas drilling on the Outer Continental Shelf to pay for these projects. It’s a way of giving back to our public lands some of what was taken from them.

It’s unthinkable that Congress has failed to renew a landmark, bipartisan program that pays for itself. Public land projects supported by the LWCF could be thrown into limbo.
We are working hard to permanently renew this program that has helped protect parks, wildlands and open spaces for decades. We need your help."

A Shinnecock Indian claiming the traditional right to fish off the Shinnecock reservation at East End Long Island was arrested by New York Environmental Conservation officers for fishing illegally, and catching baby eels, which is illegal in the state, which sell for high prices (Corey Kilgannon, "Indians in the Hamptons Stake Claim to a Tiny Eel With a Big Payday," *The New York Times*, February 1, 2018).

**U.S. Activities**

The National Congress of American Indians (NCAI) reported the following:

"NCAI Applauds Congress for Passing Strong 2018 Farm Bill for Indian Country

NCAI applauds the work of the Conference Committee; Senate and House Agriculture Committee leadership Chairman Pat Roberts, Ranking Member Debbie Stabenow, Chairman Mike Conaway, and Ranking Member Collin Peterson; and Senate Committee on Indian Affairs Chairman John Hoeven and Vice Chairman Tom Udall for their tireless commitment to the passage of this bill,' said NCAI President Jefferson Keel. 'This legislation recognizes the governmental status of tribal nations and the role tribal growers and producers have in the food systems and resource management practices that affect the daily lives of all Americans. We look forward to President Trump’s swift signing into law of the 2018 Farm Bill.'

The passage of the 2018 Farm Bill in the House comes on the heels of the U.S. Senate passing the bill in an 87-13 vote on Tuesday, which followed the release of the 2018 Farm Bill Conference Report by the House-Senate Conference Committee late on Monday.

Coordinating closely with tribal nations, the Native Farm Bill Coalition, tribal organizations, and other partners, the National Congress of American Indians (NCAI) worked to ensure that the voices of our tribal leaders, citizens, and communities were heard and recognized. Below is a list of key provisions in the 2018 Farm Bill that will benefit Indian Country:

- Expansion of Indian Self-Determination and Education Assistance Act contracting authority (638 authority) to the U.S. Department of Agriculture (USDA) for the Food Distribution Program on Indian Reservations;
- Expansion of 638 authority for Tribal Forest Protection Act management activities at USDA and the U.S. Department of the Interior, as well as eligibility for tribal nations to exercise Good Neighbor authority for forest management agreements with USDA and states (both of these measures will help tribal nations prevent wildfires from spreading from federal lands to tribal forest lands);
- Establishment of a Tribal Advisory Committee at USDA to identify issues and make recommendations to the Secretary; and
- Recognition that the Office of Tribal Relations is an important function of USDA that should be within the Office of the Secretary.

The 2018 Farm Bill will now head to the President for his signature.
"Statement from the National Indian Child Welfare Association (NICWA), the National Congress of American Indians (NCAI), Native American Rights Fund (NARF), and the Association on American Indian Affairs (AAIA) about the Indian Child Welfare Act (ICWA) judgment stay pending appeal," December 4, 2018, http://www.ncai.org/news/articles/2018/12/04/joint-statement-on-the-fifth-circuit-granting-the-motion-to-stay-the-district-court-s-decision-on-the-indian-child-welfare-act-the-gold-standard-remains-applicable-in-all-50-states, stated, "Yesterday’s decision to stay the District Court’s ruling in Brackeen v. Zinke pending appeal to the Fifth Circuit Court of Appeals is welcome news for Indian children and families, especially in states like Texas where efforts already were underway to remove ICWA’s protections. ICWA remains the law of the land and applicable in all 50 states. The critical work between states and tribes to apply the ‘gold standard in child welfare’ by keeping Indian children with their family and community will continue."

NCAI President Jefferson Keel (Chickasaw Nation of Oklahoma) said:
'The stay granted yesterday by the Fifth Circuit Court of Appeals is a welcome and positive step. It means that no Indian child who encounters the child welfare system in Texas, Indiana and Louisiana during this time should be denied the protections and safeguards afforded them under the Indian Child Welfare Act. NCAI will continue to support the intervening Tribal Nations and the Department of Justice as they fight to protect the best interests of all Indian children across the United States through the Indian Child Welfare Act.'

NARF Staff Attorney Dan Lewerenz (Iowa Tribe of Kansas and Nebraska) said:
'The Fifth Circuit made the right decision. ICWA is not some new, unimplemented statute that can be set aside without repercussions. It is an Act of Congress, 40 years tried and true, that is intrinsically woven into state and tribal child welfare systems. Its unraveling would have had serious and harmful effects on dozens, if not hundreds, of Native children. We’re glad that the Fifth Circuit recognizes that."


The NCAI-AAIA brief provides a national perspective on the importance of Bears Ears and the perils of the Administration’s unprecedented move. In particular, they identify specific landmarks, structures, and objects of cultural, historic, and religious importance to tribal nations
not otherwise represented in the case, including many Pueblos of New Mexico. According to NCAI and AAIA, all these sites and artifacts – many of which are considered sacred – face significant risk of being forever damaged, lost, or destroyed if the Administration’s action is allowed to stand.

NCAI and AAIA also emphasize the unique role Tribal nations played in creating the Bears Ears National Monument. According to their brief, 'Bears Ears is the first national monument protected at the request of Tribes and the first to be collectively managed by...representatives from multiple Tribes.' The Administration, however, has attempted to strip away tribal involvement in the management of Bears Ears at the same time the protections themselves are eliminated.

'NCAI’s brief brings together knowledge and perspectives from a wide variety of tribes – to help the Court understand how important Bears Ears is to thousands of Indian citizens,' NCAI General Counsel Derrick Beetso explained. 'We especially appreciate the contributions of the All Pueblo Council of Governors – who represent the 20 Pueblos of New Mexico and Texas – in helping us put together critical new information for the Court’s consideration.'

'One of AAIA’s primary initiatives is to advocate for the protection of sacred lands and Native American cultural resources,' according to AAIA Executive Director Shannon Keller O’Loughlin. 'Without the designation of Bears Ears as a National Monument where Tribal management is a cornerstone to the Monument’s protection, our sacred Bears Ears will be lost to development – and so will our faith in the government-to-government relationship between Tribal nations and the U.S. government.'


'Our concern is that [Miller] chose to build a law practice on mounting repeated challenges to tribal sovereignty, lands, religious freedom, and the core attribute of federal recognition of tribal existence. His advocacy has focused on undermining the rights of Indian tribes, often taking extreme positions and using pejorative language to denigrate tribal rights. Indeed, his law firm website touts his record, with over half his private practice achievements coming at the expense of tribal governments,' said NCAI and NARF leadership.

Today’s emergency resolution immediately responds to reports that the Senate leadership will proceed with Miller’s nomination hearing during the Congressional recess next week.

'We are gravely concerned that the Committee is planning to consider this nominee at a time when members of Congress are not in D.C. and will not be able to fully examine his record on Indian law issues,' said NCAI President Jefferson Keel. 'This is not how a lifetime appointment to a federal court with jurisdiction over 427 federally recognized Indian tribes should be handled.'
Both NCAI and NARF are committed to protecting the rights of tribal governments. For nearly two decades, NCAI and NARF have jointly advocated for the nomination and confirmation of federal judges who, along with their commitment to uphold the Constitution, are committed to the principles of tribal sovereignty, treaty rights, and the federal trust responsibility enshrined within it. Mr. Miller’s record reflects hostility toward tribal sovereignty, treaty rights, and the federal trust responsibility, or their role in the Constitution and federal law.

Read the full NCAI Resolution #DEN-18-042 at: www.ncai.org/resolutions/DEN-18-042_Resolution_Text.pdf, along with the joint letter NCAI and NARF sent to the Senate Committee on the Judiciary on August 21, 2018 on questions and concerns regarding Eric Miller’s nomination.

"NCAI Urges Senate to Consider Judge Kavanaugh’s Views on Federal Indian Law and the Governmental Status of Tribal Nations During Upcoming Confirmation Process," NCAI, July 10, 2018, http://www.ncai.org/news/articles/2018/07/10/ncai-urges-senate-to-consider-judge-kavanaugh-s-views-on-federal-indian-law-and-the-governmental-status-of-tribal-nations-during-upcoming-confirmation-process, stated, "The United States Senate faces a momentous decision in the confirmation of Judge Brett Kavanaugh to fill the U.S. Supreme Court vacancy created by the retirement of Justice Anthony Kennedy. Jefferson Keel, President of the National Congress of American Indians, urges the Senate to consider Judge Kavanaugh’s views on the law as it pertains to tribal nations: 'Unfortunately, many law schools leave tribal nations and federal Indian law out of their curriculum. Too many judges encounter Indian law questions for the first time on the bench. Most have never visited an Indian reservation. Tribes strongly encourage the Senate to consider the nominee’s understanding of and experience with federal Indian law, specifically his commitment to uphold the unique political status of tribal governments under the U.S. Constitution and treaties with the United States during the confirmation process.' NCAI and its partner the Native American Rights Fund will analyze Judge Kavanaugh’s record in the coming weeks.

NCAI Executive Director Jacqueline Pata urged consideration of Kavanaugh’s views on other issues of great importance to tribal nations such as climate change. For example, Justice Kennedy was the swing vote on Massachusetts v. EPA, an important decision regarding the EPA’s authority to regulate greenhouse gases. 'Indigenous peoples of North America depend on local natural resources more directly than other populations, and are disproportionately vulnerable to climate change,' said Pata. 'Native foods and fisheries are declining, and tribal access to traditional foods and medicines is often limited by reservation boundaries. The federal trust responsibility merits strong and urgent action to preserve the vitality, uniqueness, and diversity of tribal ecosystems and cultures. The Supreme Court will have an increasingly important role in protecting these resources for future generations.'
Pata also urged the Senate to consider voting rights during the confirmation process, where Kennedy was the pivotal fifth vote on decisions that limited voting rights: 'Voting rights are first-generation rights along with freedom of speech, the right to a fair trial, and freedom of religion. Yet American Indian and Alaska Native voters continue to encounter language barriers, enormous distances to polling places, arbitrary changes in voter identification laws, purged voter rolls, and intimidation and animosity in reservation border towns that disenfranchise Native voters. Equal access to voting is not only a matter of fairness, but it is a fundamental civil right afforded to all citizens, including American Indians and Alaska Natives.'
NCAI President Jefferson Keel urged tribal leaders to closely follow the confirmation proceedings for Judge Kavanaugh: 'Justice Kennedy was a key vote on many important issues for Indian Country and the country at large. It is critical that we all communicate with our Senators about the pending confirmation vote to ensure that tribal sovereignty and treaty rights are honored by the Supreme Court for decades to come.'


In the decision, the Department (DOI) failed to consider the totality of the Tribe’s evidence in determining whether or not the Tribe was “under the jurisdiction” of the Federal Government in 1934. Instead, the Tribe was unfairly expected to prove that each individual submitted piece of evidence on its own proved that the Tribe was under federal jurisdiction, rather than viewing the collective evidence presented by the Tribe and then making a determination based on all of the assembled facts.

DOI rendered this unfounded decision despite the fact the Tribe presented evidence that Mashpee Wampanoag children, enrollees of the federal Carlisle Indian School in Pennsylvania, were subjected to the most repugnant policies toward Indians during that era – the forced removal of Native children from their tribal homes so they could be stripped of their cultures and languages. The Tribe also presented evidence that the Office of Indian Affairs considered the Tribe in several large policy discussions, including whether to remove certain groups of Indians from their reservations. In addition, the Tribe provided evidence that a United States (U.S.) Attorney represented the Tribe’s interests in court, but DOI suggested that the Tribe needed to show the actual authorization from the Federal Government enabling the U.S. Attorney to take the case, or some other comparable indicia that a U.S. Attorney was acting on behalf of the Federal Government other than his title at the time he provided the Tribe his services.

Furthermore, the Tribe presented evidence that its lands and people were included in various federal reports documenting Indian tribes at various points in history. However, the decision rejects this clear evidence of federal jurisdiction by inexplicably claiming that these federal reports – in some cases commissioned by Congress – somehow do not constitute “exercises” of federal jurisdiction. DOI also failed to mention the plenary authority exercised by the Federal Government over Indian tribes (as that term is used in the Constitution), much less applicable canons of construction, both of which should have been material factors in making this momentous decision.

This decision severely restricts the Mashpee Wampanoag Tribe’s sovereignty and its ability to exercise meaningful self-governance. In addition, the Tribe’s reservation is now threatened with disestablishment. The Tribe is effectively stripped of important 'reliance interests' that will affect the social service programs it provides to its citizens, as well as the economic development ventures (including gaming) that the Tribe relies on to support critical tribal government functions and provide job opportunities to its people.
NCAI is extremely disappointed in this decision, as it reflects the obvious failure of the Federal Government to uphold its trust responsibility to Indian tribes. NCAI demands an immediate response from the Department as to whether this decision indicates that the Administration’s current land policy towards Indian tribes is one of "how to get to no."

"Official Statement of NCAI President Jefferson Keel on the Forced Separation of Immigrant Families," NCAI, June 19, 2018, http://www.ncai.org/news/articles/2018/06/19/official-statement-of-ncai-president-jefferson-keel-on-the-forced-separation-of-immigrant-families, stated, "The forced separation of immigrant children from their families is simply immoral and harkens back to a dark period for many Native American families. For decades, the U.S. government stole Native children from their parents and forced them into boarding schools hundreds and sometimes thousands of miles away. Our communities know too well the intergenerational psychological trauma that will flow from the actions that the United States is taking today. Congress and the President should take heed of such abhorrent mistakes from the past and actually live the moral values this country proclaims to embody by immediately ending this policy and reuniting the affected children with their parents. Families belong together."


On Saturday, the Washington Post reported that team owner Daniel Snyder, in a move that would limit public debate, has been working with the Administration and some Washington, D.C. city officials to insert a provision into the bill that would enable the team to clear some significant hurdles that stand in its way of building a new stadium at the site of the team’s former home at Robert F. Kennedy (RFK) Memorial Stadium.

In August, these same nine civil rights and racial justice organizations issued a joint statement calling upon the team to change its name and mascot as a condition of this stadium relocation effort. In that statement, the coalition declared the R-word the “moral equivalent of the N-word,” and demanded the team and NFL throw this “dictionary-defined racial slur into the dustbin of history, where it belongs.”

It also took particular exception with proposals to locate the new stadium at the RFK Stadium site, given that the R-word would be an affront to the legacy of Robert F. Kennedy, who was an ardent champion of equality for communities of color, notably this country’s First Americans. Events DC, the city’s official convention and sports authority, is planning a major redevelopment project at the site that will serve 'as a place of remembrance and a place of teaching and practicing the civil rights and equality ideals Robert F. Kennedy championed.’’
"Celebrating the Second Monday in October as Indigenous Peoples Day," NCAI, October 8, 2018, http://www.ncai.org/news/articles/2018/10/08/celebrating-the-second-monday-in-october-as-indigenous-peoples-day, stated, "Though many continue to call it Columbus Day, the National Congress of American Indians (NCAI) again proudly joins the growing number of tribal nations, states, counties, cities, and school districts that are instead celebrating the second Monday of October as Indigenous Peoples Day. In so doing, we honor the enduring social, cultural, and political survivance of tribal nations that authored the original story of America.

'Long before Christopher Columbus stumbled upon what he thought was ‘India,’ the First Americans sustained thriving societies across this country,' said NCAI President Jefferson Keel. 'As we bring more awareness to this holiday, it is equally important to congratulate those who have risen to celebrate Indigenous Peoples Day by acknowledging the rich histories, vibrant cultures, and resilience of contemporary tribal nations and peoples. Today is a day in which we all come together to respect our histories and unique heritage.'

The first peoples whose cultures and inherent governance structures predate the United States government enjoy an unique political relationship with the federal government. NCAI is grateful to those who uplift our stories by supporting and recognizing Indigenous Peoples Day. Through education, outreach, and political engagement we can make a difference. We can re-author our histories, take control of our futures and grow the modern tribal governments entrusted to represent their peoples’ interests alongside federal, state, and local governments.

In 2011, NCAI passed a resolution advocating for the renaming of the second Monday of October to Indigenous People Day. NCAI has seen a ground-swell of support encouraged by the resolution. Join NCAI in the movement to change the second Monday in October to Indigenous Peoples Day by educating friends and family and contacting your school boards, city councils, mayors, state legislators, governors, and members of Congress."


Now, voters in North Dakota are required to present documentation of a residential address instead of just a post office box. This requirement is a naked attempt to suppress Native American voters, since those living on reservations often lack such an address and instead use a post office box, because the postal service doesn’t deliver mail to often remote reservations.

Fortunately, tribal identification must be accepted at the polls. So Daily Kos has teamed up with North Dakota Native Vote—an organization working with local tribes to provide updated identification cards, or address verification documents to tribal citizens.

The Lakota People’s Law Project communicated by E-mail, October 25, 2018, “Last week, we shared a troubling story with you about Native voter suppression in North Dakota. We also told you of our plan to break through the barriers so that my Native brothers and
sisters across the state can participate fully in the upcoming election. Since then, we’ve hit the ground running.

We’ve formed a partnership with my Standing Rock Sioux tribe and allied organization Four Directions, and our combined organizing and media awareness efforts are gaining more traction by the day. Over the past week, we’ve seen a big spike in the issuance of new IDs and we have done interviews with NBC, the New York Times, the Guardian, Pacifica Radio, Buzzfeed, Bustle, and many more. We are also contributing to the comprehensive canvassing campaign, and we’ll have transportation ready to take people to the polls on election day.

In our new video [https://www.lakotalaw.org/our-actions/sr-votet], I talk about why this effort could make a tremendous difference. As the election approaches, we’ll continue to lend LPLP’s support to Standing Rock with press and social media outreach, video production, and messaging — and by lending some of our top organizers to the larger team. Your gift today can help us empower more of my relatives on Standing Rock and around the state — and ultimately make the biggest impact possible this election season.

National interest is high because the stakes of this election are no secret: In a state as sparsely populated as North Dakota, political races can easily swing when tens of thousands of Native votes go uncast or uncounted. With so many close races nationally this fall, what happens here could have huge ramifications for all.

Our coalition has a 20-person outreach team on the ground, and we have already helped to generate several major press stories and hundreds of additional votes from Standing Rock tribal members. We expect our combined efforts to dramatically grow those numbers over the next two weeks.”

The Lakota People’s Law Project reported by E-mail, November 1, 2018, “It’s been an incredible week at Standing Rock! With your support, in tandem with the tribal office and our other partners, we are getting out the vote on a massive scale. We’re lending organizers to another partner that has employed 55 canvassers, and together we’ve knocked on countless doors and driven hundreds of people to get new, valid IDs so they can cast a ballot.

The tribe has now issued approximately 500 new IDs to community members, and we have tripled the typical number of absentee ballots usually cast prior to election day! And, with one week left, these numbers will escalate rapidly.”


After failed attempts in 2016 to strip lands from the Ute tribe, which more than 150,000 CREDO members opposed, Rep. Rob Bishop and Sen. Orrin Hatch are pushing hard for Congress to pass legislation once again to hand over Native reservation land to extractive industries during the lame-duck session just before Democrats take control of the House. Their bill is not only a huge giveaway to the fossil fuel industry, it would also be the first Native American land grab in over 100 years. We must demand that Congress prevent this bill from ever getting a vote in Congress.
This legislation is just the latest attempt by Rep. Bishop and other enemies of Native and public lands to undermine sovereign land and water rights. In 2016, Bishop introduced legislation that would have stripped away protections for 100,000 acres of Ute tribal lands to allow for oil drilling and uranium mining and would have prevented then-President Obama from designating 18 million acres of unprotected land at Bears Ears a national monument. And it's no surprise why: After becoming chair of the House Committee on Natural Resources, Rep. Bishop got a massive payout to his campaign, receiving hundreds of thousands in contributions from the energy, agribusiness and oil and gas industries.

In addition to stealing indigenous tribal lands, this Republican bill, dubbed the Emery County Public Land Management Act, would neglect to protect more than 1 million acres of public lands, transfer public lands to the state of Utah and allow for destructive, motorized recreational use. And according to the Grand Canyon Trust, ‘Native American tribes were totally excluded from deliberations’ and ‘countless important rock art panels and other cultural sites are left available for oil and gas drilling, and that’s just unacceptable.’

We stopped Republican efforts to steal Native lands before, and we can do it again. We must act now before the end of the congressional session to demand that Congress stop this modern-day Native American land grab.”

3. Emma Baccellieri, ‘For campaign cash, many lawmakers use a big map; Rob Bishop nears 93 percent out-of-state,’ Open Secrets, July 8, 2016

“Cultural Survival Stands With The Mashpee Wampanoag Nation,” Cultural Survival, September 12, 2018, https://www.culturalsurvival.org/news/cultural-survival-stands-mashpee-wampanoag-nation, commented, “Cultural Survival condemns the recent Trump administration decision that could take the Mashpee Wampanoag land in Massachusetts out of trust. The land, which includes 150 acres in the town of Mashpee and another 170 acres in the city of Taunton, had been established into trust as of September 2015 by the Obama administration, after years of advocacy work by the Mashpee Tribe. This would mark the first time Native land has been taken out of trust since the “termination era” of the 1940s-1960s in which the US government intentionally attempted to assimilate Native Americans into the broader culture.

On September 7, 2018, Tara Sweeney, the recently-appointed Assistant Secretary for Indian Affairs, issued the decision that could pave the way for the reservation to be taken out of trust.

The Mashpee Wampanoag, the People of the First Light, have occupied the same region for over 12,000 years and have faced diminishment of their homelands since colonization. The lands of the Mashpee Wampanoag Reservation today represent less than one half of one percent of their original territories. The latest decision is a blow to Tribal sovereignty and undermines the
future of and sustainability of the nation. For the Mashpee Wampanoag population, loosing their homelands would be devastating, says Cedric Cromwell, Tribal Chairman, who explained in a hearing that losing their trust lands would mean losing funding for services on their homeland and could mean the closing of language immersion schools.

In 2007, after decades of battling the US government, the Mashpee Wampanoag Tribe was finally federally recognized, however they are the only federally recognized Tribe in New England that does not have any statute that establishes protection for their land. The Mashpee Wampanoag have a right to their ancestral homelands, as recognized in the the UN Declaration on the Rights of Indigenous Peoples.

UN Declaration on the Rights of Indigenous Peoples Article 25 states: ‘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’

Article 26 states ‘1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.’

Cultural Survival stands with the Mashpee Wampanoag Nation and encourages US citizens to take action by calling their representatives to support senate bill 2628 and house bill 5244, ‘The Mashpee Wampanoag Tribe Reservation Reaffirmation Act.’ If passed, this bill would prevent the reservation from being taken out of trust, reports Indianz.com. The Senate bill is being sponsored by Sen. Ed Markey (D-Massachusetts) and Sen. Elizabeth Warren (D-Massachusetts), who issued a joint statement: ‘The decision by the Trump administration to move forward with denying the Mashpee Wampanoag a right to their ancestral homeland and to keep their reservation is an injustice… America has a painful history of systematically ripping apart Tribal lands and breaking its word. We cannot repeat that history.’

Call your representative at (202) 224-3121. Ask to speak with your representatives, and then convey your support for Senate Bill 2628 and House Bill 5244 the Mashpee Wampanoag Tribe Reservation Reaffirmation Act.”

"Cultural Survival Condemns The Trump Administration’s Zero-Tolerance Policy," Cultural Survival, June 22, 2018, https://www.culturalsurvival.org/news/cultural-survival-condemns-trump-administrations-zero-tolerance-policy, stated, "Migrants and asylum seekers are protected by international human rights, refugee, and humanitarian law. We believe that all people should be treated with dignity and respect, no matter what their country of citizenship, their country of residence, their legal status, ethnicity, or their economic conditions. International human rights law was created to protect the most vulnerable populations, and the United States has a moral and legal obligation to uphold those standards and to treat with dignity any human beings fleeing conditions of violence and economic injustice.

Today, the vast majority of those crossing the US-Mexico border undocumented are coming from Central America, countries whose populations include high numbers of
Indigenous Peoples. Indigenous Peoples in Central America disproportionately experience extreme poverty and marginalization, and make up a large majority of those who choose to migrate. Among the Central Americans arriving at our borders today are asylum seekers: Indigenous women and children escaping domestic violence, teens fleeing gang violence and recruitment, human rights defenders fleeing repercussions from oppressive governments. We deplore the Trump administration’s dehumanizing and disparaging language categorizing people who are migrating as drug dealers, rapists, murderers, and animals, and denounce Trump administration’s decision to treat migrants as criminals.

Trump’s recent executive order to end his administration’s policy of separating undocumented immigrant families likely will not apply to the more than 2,300 children who have already been taken from their parents, and will now result in the indefinite incarceration of innocent children with their criminalized parents. It fails to recognize non-nuclear family relationships, meaning that aunts, uncles, grandparents and siblings many continue to be separated.

'Once again, the ideology of conquest, racism, greed, and difference fuels our government policy-making against those seeking freedom, justice and equality and the rights that every human being should be accorded no matter where they are. We only have to look at the history of this country building walls, fences, internment camps, concentration camps and slavery to understand the deep seated and dark side of power, racism, and control that we have yet to move beyond, and the reality of it happening again,” stated Cultural Survival Executive Director Suzanne Benally (Santa Clara Tewa/Navajo).

Human rights go beyond politics as they are universal and recognize the inherent dignity and equality of all humans. They are universal, interdependent, and inalienable. We all have a moral obligation to uphold human rights for everyone, especially vulnerable populations. The Universal Declaration of Human Rights is a reminder of rights and responsibilities that we all have.

As citizens, we can hold governments accountable for their obligations to respect, protect, and fulfill human rights. The duty to fulfill human rights extends equally to individuals, organizations, corporations, government, and all other institutions.

Article 1 of the Universal Declaration on Human Rights states: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'

Article 14 states: '(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.'

Article 25 states: 'Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.'

We call on everyone to continue to ask questions about how all children will be reunited with their families and demand answers to the continued incarceration of families in detention centers. We ask that you continue to put political pressure on political leaders to end the human rights abuses, and the unjust and inhumane policies and practices towards undocumented migrants.'
Daisy Finch, "Cronkite News: Ancestral tribal sites threatened by copper mine: Native Americans hope to protect ancestral sites threatened by multibillion-dollar copper mine," IndianZ, December 11, 2018, https://www.indianz.com/News/2018/12/11/native-americans-hope-to.asp, reported, "Resolution Copper plans to develop the mine east of Superior and predicts the mine will meet about a quarter of the nation’s demand for copper once it is in full production. The company says the mine, which may cost as much as $8 billion, is the “largest single investment in Arizona history.”

It has been passionately opposed by some Native Americans who say it will destroy a sacred site near Oak Flat Campground in the Tonto National Forest about 70 miles east of Phoenix."

Nani Omerod, “Hawaiians Oppose Plans For Kamehameha Bio-Film,” Cultural Survival, September 21, 2018, https://www.culturalsurvival.org/news/hawaiians-oppose-plans-kamehameha-bio-film, reported, “A coalition of Indigenous Hawaiian scholars, activists and filmmakers are speaking out against Dwayne ‘The Rock’ Johnson’s second attempt to produce and star in a biographical motion picture about King Kamehameha the Great. Citing cultural appropriation and historical wrongs perpetrated against the Hawaiian people, they say that Johnson, and producer-director Robert Zemeckis have no right to use Kamehameha’s story. Nor do they have the right to create what would be construed as their intellectual or artistic property based on the King’s life.

‘Let’s be clear, this movie is not by or for the Indigenous people of Hawaii,’ said Healani Sonoda-Pale, longtime activist, and spokesperson for Ka Lāhui Hawai‘i Political Action Committee. ‘If made, it would be in spite of us, and it would serve the U.S. military and tourism industries in Hawaii, not the Hawaiians. It would be about the haole (foreign) perspective of us, our history, and our struggle, and ultimately it would justify the ongoing illegal occupation of Hawaii by the U.S.’

Her reference to the U.S. presence in Hawaii has become ubiquitous locally and abroad; legal and political challenges to the U.S. takeover are a constant refrain that have been used to stop everything from new telescopes on Mauna Kea to commercial real estate developments.

On the issue of whether or not Mr. Johnson’s part-Samoan ancestry makes him the right person to play the role, Sonoda-Pale said, ‘From a traditional Hawaiian perspective, Hawaiian mō‘i — Hawaiian royalty — and their mo‘olelo (stories) are sacred, and are not intended for Hollywood exploitation. What he is attempting to do is a form of desecration. Also, I am an Indigenous Hawaiian who has Samoan ancestry. I don’t get these things confused. The Rock is NOT a descendant of Hāloa. Only Hawaiians, such as Kamehameha, trace our genealogy back to Hāloa. The Rock is not Hawaiian, he has no kuleana (entitlement and responsibility) to our stories.’

Others, along with Sonoda-Pale, disagree with any plans for a movie, which is expected to cost more than $100 million. Native Hawaiian filmmaker and journalist, Anne Keala Kelly, has published dozens of articles, op-eds and essays, often on the subject of Hawaiian representation, and she produced and directed an award-winning feature length documentary about Hawaiian resistance.

One of Kelly’s articles, ‘Haolewood,’ about Johnson’s first attempt to make this film, was a Honolulu Weekly cover story in 2002. It included interviews with prominent Hawaiian intellectuals and political activists, all of whom criticized what Johnson was trying to
accomplish. Their condemnation of the project led to its demise—or its 16-year hiatus. Last week, Kelly turned to social media when she heard about the project and posted that, and other articles she had written at the time, in an effort to galvanize Hawaiian opposition to the announcement.

‘This whole issue is troubling because Hawaiian representation is pretty much non-existent in media,’ Kelly said. ‘So, it’s easy for a movie star to prey on our vulnerabilities and divisions. The Rock’s way of getting an Academy Award is to turn Kamehameha into a Hawaiian Braveheart, which is in and of itself insulting to all Hawaiians. But at least 16 years ago there were Hawaiian leaders speaking out against what he was trying to do, and I had a place to publish their position. Now, there are no publications where Hawaiian resistance can be conveyed consistently. And because of social media platforms like Twitter and Instagram, it’s very easy to manipulate Hawaiians into agreeing to be subjugated.’

When asked why she thinks Misters Johnson and Zemeckis cannot make a film about Kamehameha that is respectful, Kelly said, ‘There are many cultural and genealogical reasons, and turning Hawaiian culture inside out to answer that question is just wrong. But suffice it to say they are using Kamehameha to undo what we know of ourselves and our mōʻī. Their intention is clear in what The Rock said on Instagram.’

She is referring to one of Johnson’s Instagram posts, saying that Kamehameha was “...the first to unite the warring Hawaiian islands—fulfilling a prophecy that surrounded his fabled life since birth and creating the powerful and spiritual 50th state as we know it today.” Kelly said, ‘The word fable means fiction. He also makes it sound like our kupuna (ancestors) were savages who needed to be tamed. Equally as disrespectful, in his mind the U.S. takeover of the Hawaiian Kingdom was a prophecy that Kamehameha ushered in. That’s a bald-faced lie. Kamehameha would never have agreed to become American, nor would he have agreed to let a Polynesian culture-pimp tell his story.’

Kelly’s distrust for Johnson is, in part, based on his role in Disney’s animated film, ‘Moana.’ She and many others say it turned the Demi-god, Maui, into a buffoon, and merchandized Pacific cultural beliefs. She said, “If we allow this film, they won’t stop until they have exploited all our ali’i (royalty), all of our heritage to death, just like what Americans have done, and continue to do, to our land. Our identity, our stories, our land—all that is sacred to us is just real estate to them.’

Sonoda-Pale agrees. “There is nothing good in this for Indigenous Hawaiians. The only thing fueling this project is Dwayne The Rock Johnson’s fame, wealth, and privilege, all of which was provided to him by the American film industry. That industry works hand in hand with U.S. imperialism and has historically created racist portrayals of Hawaiians and other Pacific Islanders to support U.S. hegemony and justify military control of the entire region. Indigenous Hawaiian culture, lands, stories and intellectual property are among the most merchandized in the world. And Hawai‘i is one of the most militarized places on earth. I do not trust that industry or Dwayne Johnson with Kamehameha’s story, even if The Rock is part-Samoan.”

**Americans for Indian Opportunity (AIO), aio@aio.org, (505)842-8677, www.aio.org, In late 2018 was facilitating a multi Indian organization effort to build community in Albuquerque, NM. This has included holding: Third Thursday Indian Lunches, Second Wednesday Cultural Nights and Fourth Thursday Evening Native Professional Meetings.**
AIO also has been serving tribes and Indian organizations in participatory problem solving and strategic planning, employing its Indigenous Leaders Interactive System (ILIS).

Among the Native Organizations involved in Albuquerque are: **Native Health Initiative** (www.lovingservive.us), with a variety of programs including, educating health professions students about health equality and inequalities in Native communities; creating tribe-directed sustainable health projects; and youth empowerment toward healthy living.

**Native Professional Parent Resource, Inc.** (https://www.nappr.org), "dedicated to empower, educate and provide support service to build healthy children and families." NAPPR's four key programs are: Tribal home visiting, Early Intervention, Early Head Start, and Dental Support Center.

**Native Voice Network (NVN)**, http://nativevoicenetwork.nationbuilder.com/about, "was founded in response to the need for a national voice for Native American families and communities in local and national policy issues impacting Native communities.

More than thirty Native American organizations are members of the NVN, including grassroots community organizations, large-scale service providers and national institutions. NVN member organizations have diverse areas of interest and represent urban and rural tribal communities.

Native Voice Network Member Organizations include:
- American Indian Center of Chicago
- American Indian Community Council of Los Angeles
- American Indians in Texas at the Spanish Colonial Mission
- Americans for Indian Opportunity
- Binational Center for the Development of Oaxacan Indigenous Communities
- Black Mesa Water Coalition
- Diné Citizens Against Ruining Our Environment
- First Alaskans Institute
- First Nations Development Institute
- First People’s Fund
- Hopi Foundation
- Indian Law Resource Center
- Kwatson Radio
- Native American Community Development Institute
- Native American Voter Alliance
- Native American Youth and Family Center
- Native Americans in Philanthropy
- Native Youth Leadership Alliance
- National Indian Child Welfare Association
- National Urban Indian Family Coalition
- Phoenix Indian Center
- Red Eagle Soaring
- Santa Fe Leadership Institute
- Tewa Women United
- Tonatierra Community Development Institute
- Tucson Indian Center
- Washington State Indian Civil Rights Commission."
Throughout 2018, Hawai'i Peoples Fund (https://www.hawaiipeoplesfund.org) has continued to provide funding to grassroots organizations in the Islands, including Native groups working on justice, environmental, education and culture issues.

International Activities


"The Indigenous Peoples Movement is a collective of Indigenous activists, organizers, tribal leaders, social entrepreneurs, artists, educators, innovators, youth
leaders, and change-makers who are working to build the collective power of Indigenous Peoples, communities and Nations.

On January 18, 2019, we are uniting the Indigenous Peoples across the world to stand together to bring awareness to the injustices affecting Indigenous men, women and children. Indigenous People from North, Central and South America, Oceania, Asia and the Caribbean are a target of genocide. The Indigenous Peoples March will be the first International march of its kind - this is history in the making!

Currently, many Indigenous People are victims of voter suppression, divided families by walls and borders, an environmental holocaust, sex and human trafficking, and police/military brutality with little to no resources, nor awareness of this injustice.

We Must Unite and Help!!

We are inviting a ‘call to action’ for defenders of human and environmental rights to join us, in Washington DC, in front of the Office of Interior Affairs on January 18, 2019, at 8am (which is the day before the Women’s March). This will be the first step of uniting our communities, tribes and nations in a universal cry for justice from the grassroots level and up.

This march is the beginning of building strong coalitions to make our homes, families, and lands a safe, protected, and a clean place to live.

The goal of The Indigenous Peoples Movement coalition is to eliminate the borders of our injustices, as it all starts with us! Whether it is asserting our inherent treaty rights to protect and manage traditional land, waterways, or to engage in our traditional knowledge, the Indigenous grassroots action is organized and strong!

The Washington D.C. inaugural march will also explore the challenges and possible solutions to revitalize Indigenous Peoples’ identities and encourage the protection of their rights in or outside of their traditional territories.

Read more about Indigenous Peoples March and RSVP at: https://indigenouspeoplesmovement.com/, Nathalie Farfan, Nathalie@labrujasclub.com, Kelly Holmes, nativemax@gmail.com, Event details: https://indigenouspeoplesmovement.com/ipmdc19/.

Indigenous Activists Networks, Defenders of the Land, Truth Campaign, Idle No More, "Indigenous Activist Networks Will Continue to Push Back Against Canada’s Proposed Indigenous Rights Recognition Framework Until it is Stopped," November 15, 2018, received via E-mail, stated, "Yesterday’s press report suggesting that the Federal government has killed its Rights Recognition Framework has already been contradicted by the Minister’s office. In fact, the offensive will, in the government’s own words, be “accelerated” in the coming months.

– The misleading press CBC News press report stated in part:

One of Prime Minister Justin Trudeau's key promises on Indigenous rights — de- livered on Valentine's Day — won't come to pass before the next federal election, CBC News has learned.

The Liberal government won't be tabling legislation to create its promised Federal Recognition and Implementation of Indigenous Rights Framework this fall as previously planned.

Although the delay of the proposed legislation was referred to in the CBC news article it was not explicitly mentioned in the Statement from the Office of the Minister of Crown-Indigenous Relations also released yesterday:

Attributable to the Minister’s office…
Our Government is committed to advancing the framework, and to continue actively engaging with partners on its contents. Minister Bennett has led more than 100 engagement sessions since last spring with Indigenous organizations, communities and people to develop with The Recognition and Implementation of Indigenous Rights Framework. She is continuing to meet with Indigenous peoples on the Framework - in fact, this week she is meeting with First Nations in Alberta and Quebec.

This framework will not be imposed on anyone except the federal government. The legislative and policy reforms we are committed to will get Ottawa out of the way so that Indigenous nations and governments can accelerate their path to self-determination.

We continue to make substantial progress in accelerating the recognition and implementation of Indigenous rights through policy changes and the development of the Recognition of Rights and Self-Determination Tables

We look forward to continue working with our partners on developing more of this crucial framework. [emphasis added]

Our collective response to the CBC news article and the above Statement from Minister Bennett’s Office are as follows.

First of all, if there is a really a delay in the legislative process— which remains to be seen— then we believe our national grassroots campaign contributed to this by putting pressure on many Chiefs, and their organizations, to publicly reject the federal “Rights Recognition Framework” legislation as a violation of our Inherent Indigenous Rights, Title and original Treaty Rights.

Secondly, a delay of the “Framework” legislation is not a halt or a reset! The federal “Framework” is more than legislation, it involves changes to policy and negotiating agreements at “recognition tables”, as well as, comprehensive claims and self-government tables, which are being done in secret without our First Nation Peoples!

The statement from Minister Bennett’s office clearly says: “Our Government is committed to advancing the framework, and to continue actively engaging with partners on its contents...We continue to make substantial progress...through policy changes and the development of the Recognition of Rights and Self-Determination Tables...We look forward to continue working with our partners on developing more of this crucial framework”. That doesn’t sound like a delay or reset to us!

Therefore, we are not only continuing our campaign to stop the “Framework” process, but we are going to take actions to step up the pressure on the federal government and its First Nation “partners” to stop this colonial “Framework” process and respect our rights.

Our campaign is about stopping the Trudeau government’s secret, top down “Framework” because it is a direct threat to our sovereignty, our international right of self-determination, our Treaties and our Aboriginal Title and Rights.

Indigenous Activist Networks Spokesperson, Russ Diabo said “The Crown-Indigenous Relations Minister only announced a delay not a stop or reset! I believe our grassroots campaign needs to be stepped up to convince the federal government to acknowledge their mistake in conducting a secret, top down approach to a new "nation-to-nation" relationship and a "reconciliation" process! This means stopping their colonial "Frame- work" process and start a process with Indigenous communities and Nations outside of Indian Act institutions and organizations from the ground up..”
Indigenous Activist Networks Spokesperson, Russ Diabo added “we must go ahead with the December 4th Day of Action to denounced the federal approach as colonial and we need to work internally within our Indigenous communities and Nations on what we mean by self-determination and not have it turned into a federal government municipal type funding program like they did with "self-government!"”

Indigenous Activist Networks Spokesperson, Rachel Snow said “Many of us have been saying this federal “Rights Recognition Framework” is based on the objectives of the 1969 White Paper on Indian Policy and if adopted will domesticate our original Treaties with Great Britain. We have consistently asked AFN to provide a proper critical analysis of the federal government’s 10 Principles on Indigenous Relationships and dissolving the Department of Indian Affairs, which are part of the federal “Framework”, instead of just going along with the Federal agenda for funding purposes. So far, no response from AFN on the 10 Principles or federal restructuring. Meanwhile, Minister Bennett is still saying our Treaty rights are “section 35 Rights”. This is Wrong. Section 35 was put in place to protect the way of life guaranteed by Treaty. The section 37 First Ministers Conferences were to flesh out how Canada could continue their obligations to us—the original people. Section 35 is unfinished business; there needs to be a political agreement on this matter.”

In order to empower our youth to stop the “Framework”, our Indigenous Activist Networks are calling for a National Day of Action for December 4, 2018, in support of the AIAI (Association of Iroquois & Allied Indians) Rally to be held on Parliament Hill (stolen Algonquin Territory)! We ask our Elders, spiritual leaders, youth and adults to come to Ottawa for the Rally or hold an action in your own lands whether you are on the land, in a town or city!

For More Information Contact: Communications Contact: Tori Cress at E-Mail: info@IdleNoMore.ca. Rachel Snow, Spokesperson, Cell: (403) 703-8464, Russ Diabo, Spokesperson, Cell: (613) 296-0110.

Friends of the Earth, December 11, 2018, https://action.foe.org/page/8295/action/1?ea.tracking.id=Email&ea.url.id=165888, stated, “In 2015 the palm oil company REPISA allegedly spilled toxic waste into Guatemala’s Pasion River, leaving local Mayan community members in a devastating food crisis. Then, when they fought back, Indigenous environmentalist Rigoberto Lima Choc was murdered and three human rights defenders were kidnapped.

For years, REPISA sold its dirty palm oil to international agribusiness giants Cargill and Wilmar. Indigenous organizations in Guatemala asked for international help to get these two companies to condemn the atrocious human rights violations by cutting their ties with REPISA. And last year, engaged Friends of the Earth members like you helped push them to do just that. This was a major victory in holding multinational corporations accountable. But things on the ground haven’t changed much -- and this week, Cargill and Wilmar will meet to consider re-establishing business with REPISA. So we need you to step up again and help protect communities in Guatemala from REPISA’s violence and destruction.

Tell agribusiness giants Cargill and Wilmar to respect local communities and stay out of Guatemala’s conflict palm oil!

A culture of violence and intimidation runs rampant in the Sayaxaché region of Guatemala, where the 2015 spill occurred. Meanwhile, REPISA has used all the means at its disposal to stall investigations into their corrupt practices.
The good news is, REPSA’s horrible behavior has come to light. **Several REPSA execs are currently awaiting trial for bribery. Workers have confessed that REPSA paid them to protest a legal order telling the company to suspend operations. A national movement led by indigenous farmers is demanding a total halt to the expansion of the palm oil industry in Guatemala.**

We fought for two years to get Cargill and Wilmar, the biggest buyers of palm oil in Central America, to suspend their contracts with REPSA -- and we succeeded. But Cargill and Wilmar along with other agribusiness companies are chomping at the bit to get REPSA’s products back into circulation. We need your help to stop them again.

Help send 30,000 messages to Cargill and Wilmar: Tell them to stay out of Guatemala’s conflict palm oil and respect human rights.

Any decision to buy from REPSA should be driven by the local communities whose lives are directly shaped by this destructive industry -- not by Cargill and Wilmar. But local organizations have expressly stated that there has been no consultation. Legal cases into the pollution, the murder, and even charges of bribery against company officials have not been properly investigated. Thousands of workers in REPSA’s fields have filed a list of grievances that have not been resolved.

The network of affected communities has explicitly told Cargill and Wilmar that the decision to re-establish business is premature and based not on reality, but on commercial interest.

In short, none of REPSA’s problems have been fixed. Clearly, Cargill and Wilmar want conflict palm oil back on the shelves to put more money back in their pockets -- and they’re willing to disregard community input and even people’s safety to make that happen.

Friends of the Earth members like you have stood with frontline communities in the past -- pressuring Cargill and Wilmar to cut ties with REPSA. Now we need you to speak out and stand with the people of the Sayaxaché region again. Can we count on your support?"


‘On August 9, 2010, Indigenous delegates and representatives, sick and tired of waiting for a debate on the Autonomous Development of the Indigenous Peoples Law project, met in the Legislative Assembly in San José to demand a yes or no to that project,’ stated the declaration. ‘Their answer was to remove us with violence, beatings and dragging from the Legislative Assembly, as criminals.’

Indigenous leaders said that they returned to their ‘peoples and territories to continue with the struggle for autonomy, recovering [their] lands and territories, spirituality, cultures and strengthening [their] own organizations.’
‘Throughout these years of exercising our rights we have been shot, macheted, beaten, threatened with death, slandered, offended, imprisoned and denounced,’ said the declaration, ‘and despite all we have denounced, impunity prevails in all cases.’

The declaration stated that the State of Costa Rica, through its different administrations, has ignored the national and international laws that protect and safeguard the rights of Indigenous Peoples. The declaration comes as the controversy over the take-over of Indigenous lands in the southeastern region of Salitre continues to simmer.

Teribe and Bribri peoples in 2014 took their case to the Inter-American Commission on Human Rights and obtained an order obliging the government of Costa Rica to take precautionary measures to protect Indigenous Peoples against non-Indigenous settlers on Indigenous land. In July 2012, Sergio Rojas, a Bribri community leader, led Bribri and Teribe community members in an effort to reclaim land within the Salitre Indigenous reserve in the Talamanca Mountains in southwestern Costa Rica.

Though the 11,700 hectares of land had been guaranteed to Indigenous communities by a 1977 Indigenous Law. The failure of the government to compensate landowners or control the illegal sale of the land to ‘white’ outsiders resulted in the displacement of Indigenous communities.

The government at the time said addressing Indigenous people’s complaints was complicated by the fact that various factions exit in Indigenous communities. While the territory belongs to the Bribri people, cases exist of Bribris married to outsiders or to the closely related Cabecar people, complicating ownership rights.

In the August 9 declaration, Indigenous leaders requested a meeting with President Carlos Alvarado to discuss and propose concerns and like the previous rulers, the President ignored requests, and on the International Day of the World’s Indigenous Peoples, the day Indigenous Peoples of Costa Rica were violently evicted from the Legislative Assembly will be commemorated.

‘We reaffirm our struggle for our autonomy, land, and freedom. We maintain our slogan of total recovery of Indigenous territories, in the process of autonomous territorial affirmation, which includes land, territory, governance, culture and spirituality. We support the peoples who are recovering their territories and denounce any compensation that is intended to be made to the usurpers of our land.’”

More than 3000 Indigenous people gathered in Brazil’s capital, in June 2018, for a five-day National Indigenous Mobilization calling for respect of their rights, the official marking of their territories, and opposition to invasion of their lands, especially by destructive mining, agriculture and lumbering, which have been increasing under a pro mining and agrobusiness government. The Mobilization also mourned the victims of state violence (“Brazil: Thousands of Indigenous Peoples Converge on Brasilia,” Cultural Survival Quarterly, September 2018).

"Survival International calls for Police Protection for Uncontacted Tribe," Survival International, December 4, 2018, https://www.survivalinternational.org/news/12041, reported, "Survival International has called for an urgent increase in police protection for one of the world’s most vulnerable uncontacted tribes, after moves to protect their territory stalled.
The Kawahiva tribe live in one of the most violent areas in Brazil, where rates of illegal deforestation have been the highest in the country. Many members of the tribe have been killed in recent decades.

Violence from illegal loggers and ranchers means FUNAI, Brazil’s Indigenous Affairs department, has been prevented from properly carrying out its work in the area, leaving the tribe exposed and at risk of annihilation. The FUNAI team responsible for protecting the Kawahiva’s land requires police accompaniment for their safety and for their expeditions to monitor for illegal logging and evict invaders.

In the Brazilian Amazon, a tiny group of uncontacted Indians teeters on the brink of extinction. Survival’s global campaign is pushing Brazil’s government to protect their land – the only way they can survive.

Send an email urging Brazil’s Indigenous Affairs Department FUNAI to physically map out and protect the Kawahiva’s land, to give them a future.

In April 2016, Brazil’s Minister of Justice signed a decree to create a protected indigenous territory on the tribe’s land to keep intruders out. This was a big step forward for the Kawahiva’s lands and lives, and followed pressure from Survival’s supporters around the world. But efforts to map out and protect the territory, known as Rio Pardo, have stalled, and vital steps in the demarcation process have not been completed. Survival has been lobbying for this process to be accelerated and for police support for FUNAI’s work in the area.

Survival has launched an emergency action, '4 weeks for the Kawahiva', to encourage Brazil’s government to map out their land and prevent their genocide before Jair Bolsonaro becomes President on 1 January.

The Kawahiva’s territory lies within the municipality of Colniza, where around 90% of income is from illegal logging. The Kawahiva are nomadic hunter-gatherers, but are now living on the run. They flee the illegal invasions of their forest, which put them at risk of being wiped out by violence from outsiders looking to steal their land and resources, and from diseases like the flu and measles to which they have no resistance.

Jair Candor, the Coordinator of FUNAI’s Kawahiva team, said: “The only way to ensure their survival is to map out the land and put in place a permanent land protection team. Otherwise, they will be relegated to the history books, just like so many other tribal peoples of this region.”

Stephen Corry, Director of Survival International, said today: “In the wake of John Allen Chau’s tragic attempt to contact the Sentinelese people, there has been a great increase in public support for uncontacted tribes to be left in peace. They are the most vulnerable peoples on the planet, but where their land is protected, they thrive.

The work of FUNAI and environmental protection agents is crucial for preventing the genocide of the Kawahiva, and the destruction of their territory, which is an incredibly diverse part of the Amazon. We urge people to write to the Brazilian authorities in support of their right to survive.”

Shaldon Ferris, “Khoi And San People Protest At The Johannesburg Stock Exchange,” Cultural Survival, October 12, 2018, https://www.culturalsurvival.org/news/khoi-and-san-people-protest-johannesburg-stock-exchange, reported, “The Johannesburg Stock Exchange in South Africa was the scene of protest action organized by Khoi and San people on October 9, 2018. Echoes of the struggle song, “What have we done”, which is reminiscent of the anti-apartheid movement in South Africa, could be heard in Maude Street Sandton, where the Stock Exchange is situated, the richest square mile in Africa. The spokesperson for the group, Anthony
Williams, who is also the leader of Indigenous First Nation Advocacy of South Africa (IFNASA) handed a memorandum to a representative of the Johannesburg Stock Exchange (JSE). The memorandum noted that the JSE is symbolic of the economy of Johannesburg, and also the economy of the country.

South Africa's Indigenous citizens include the San peoples—!Xun, Khwe, and Khomani—the Nama Communities, the Griqua associations and Koranna descendants, and the “revivalist Khoisan,” which we refer to collectively as the Khoisan, making up about one percent of the country’s total population of 50 million. During the apartheid regime, Indigenous identification and culture were discouraged, when not actually banned, and many Khoisan people were forced to learn Afrikaans as their primary language. In 1996, the post-apartheid South African government took steps toward recognizing Khoisan rights. Article 6 of the constitution contains references to Indigenous languages, and Article 12 creates an active role for traditional leadership within the nation’s legal system. Khoisan ability to exercise two these rights is restricted by the country’s continued use of the out-dated designations of Black, White, and Colored. Indigenous Peoples are not formally recognized in terms of national legislation as a customary community. This is slowly shifting with the pending Traditional and Khoisan Leadership Bill 2015, but it is unclear when this Bill will be passed. South Africa has voted in favor of adopting the UN Declaration on the Rights of Indigenous Peoples but has yet to ratify ILO Convention No. 169.

The memorandum presented on October 9 stated the grievances of Khoi and San peoples of Johannesburg which can be summarised as follows:

Indigenous Khoi and San peoples are overlooked in terms of employment and business opportunities,

Indigenous Peoples are still referred to by the term apartheid term “Coloured”, even 24 years after the advent of democracy,

Indigenous Khoi and San peoples are overlooked when it comes to Corporate Social Investment,

Indigenous Khoi and San peoples are neglected in terms of South Africa’s broad based black economic empowerment policy,

Not much has been done to improve the lives of Indigenous Khoi and San peoples since the advent of democracy.

The peaceful march attracted the attention of many major media houses in South Africa, as well as that of nearby employees and passers-by. Khoi and San activists have previously embarked on similar peaceful initiatives, the most memorable perhaps being in December 2017, where they waited for the President of South Africa on the lawn of the Union Buildings, in order for the Khoi and San communities to be recognized as First Nation citizens, an action for which they are still advocating.”

from Myanmar through Bangladesh, India, Thailand, and Malaysia by criminal syndicates.

“Rohingya are undertaking risky journeys in search of safety and security after facing persecution in Myanmar, and traffickers are easily preying on their desperation,” said Amy Smith, Executive Director of Fortify Rights. “Regional governments can prevent human trafficking by providing refugees with the protection they legally deserve.”

The new research is summarized in an article entitled “Mass Atrocities and Human Trafficking: Rohingya Muslims on the Move” by Fortify Rights Human Rights Specialists Puttanee Kangkun and John Quinley III and published by Humanitarian Practice Network in *Humanitarian Exchange Magazine* documents recent Rohingya refugee movements from Myanmar through Bangladesh to Thailand and Malaysia.

The research documents exploitative conditions Rohingya face during their journeys, including extortion and deprivations of liberty, food, and water. Human traffickers caged and withheld food and water from Rohingya men, women, and children in Bangladesh, India, Myanmar, and Thailand while demanding payments for onward journeys.”

~INDIAN AND INDIGENOUS DEVELOPMENTS~

**Steve Sachs**

**Environmental Developments**

Jessica Corbett, "UN Experts Warn of 'Climate Catastrophe' by 2040 Without 'Rapid' and 'Unprecedented' Global Action: 'The climate crisis is here and already impacting the most vulnerable,' notes 350.org's program director. 'Staying under 1.5°C is now a matter of political will.'" Common Dreams, October 08, 2018, https://www.commondreams.org/news/2018/10/08/un-experts-warn-climate-catastrophe-2040-without-rapid-and-unprecedented-global?cd-origin=rss&utm_term=UN%20Experts%20Warn%20of%20%27Climate%20Catastrophe%27%20by%202040%20Without%20%27Rapid%27%20and%20%27Unprecedented%27%20%26%20Global%20Action&utm_campaign=UN%20Experts%20Warn%20of%20%27Climate%20Catastrophe%27%20by%202040%20Without%20%27Unprecedented%20%26%20Global%20Action&utm_term=UN%20Experts%20Warn%20of%20%27Climate%20Catastrophe%27%20by%202040%20Without%20%27Unprecedented%20%26%20Global%20Action&utm_term=UN%20Experts%20Warn%20of%20%27Climate%20Catastrophe%27%20by%202040%20Without%20%27Rapid%27%20and%20%27Unprecedented%20%26%20Global%20Action, reported, "Underscoring the need for 'rapid, far-reaching, and unprecedented' changes to life as we know it to combat the global climate crisis, a new report from the Intergovernmental Panel on Climate Change (IPCC)—the United Nations' leading body for climate science—details what the world could look like if the global temperature rises to 1.5°C versus 2°C (2.7°F versus 3.6°F) above pre-industrial levels, and outlines pathways to reducing greenhouse gas emissions in the context of sustainable development and efforts to eradicate poverty.

'Climate change represents an urgent and potentially irreversible threat to human societies and the planet,' the report reads. 'Human-induced warming has already reached about 1°C (1.8°F) above pre-industrial levels at the time of writing of this Special Report... If the
current warming rate continues, the world would reach human-induced global warming of 1.5°C around 2040.'

Approved by the IPCC in South Korea on Saturday ahead of COP24 in Poland in December, Global Warming of 1.5°C was produced by 91 authors and reviewers from 40 countries. Its release has elicited calls to action from climate campaigners and policymakers the world over.

'This is a climate emergency. The IPCC 1.5 report starkly illustrates the difference between temperature rises of 1.5°C and 2°C—for many around the world this is a matter of life and death,' declared Karin Nansen, chair of Friends of the Earth International (FOEI). 'It is crucial to keep temperature rise well below 1.5 degrees without offsetting, carbon markets, and geoengineering, but the evidence presented by the IPCC shows that there is a narrow and shrinking window in which to do so.'

The report was requested when the international community came together in December of 2015 for the Paris agreement, which aims to keep global warming within this century 'well below' 2°C, with an ultimate target of 1.5°C. President Donald Trump's predecessor supported the accord, but Trump has vowed to withdraw the United States, even as every other nation on the planet has pledged their support for it. In many cases, however, sworn support hasn't led to effective policy.
'It's a fresh reminder, if one was needed, that current emissions reduction pledges are not enough to meet the long-term goals of the Paris agreement. Indeed, they are not enough for any appropriately ambitious temperature target, given what we know about dangerous climate impacts already unfolding even at lower temperature thresholds,' Rachel Cleetus, lead economist and climate policy manager for the Union of Concerned Scientists (UCS), wrote ahead of its release.

'The policy implications of the report are obvious: We need to implement a suite of policies to sharply limit carbon emissions and build climate resilience, and we must do all this in a way that prioritizes equitable outcomes particularly for the world's poor and marginalized communities,' Cleetus added.

'We want a just transition to a clean energy system that benefits people not corporations,' Nansen emphasized. 'Only with a radical transformation of our energy, food and economic systems, embracing environmental, social, gender and economic justice, can we prevent climate catastrophe and temperature rises exceeding 1.5°C.'
'The science in the IPCC report on 1.5°C speaks for itself. Staying under 1.5°C is now a matter of political will," responded 350.org program director Payal Parekh. "The climate crisis is here and already impacting the most vulnerable and the least responsible for creating it. The only way to achieve it is to stop all fossil fuel extraction and redirect the massive resources currently spent on the fossil fuel economy towards the renewable energy transition.'

**The report's key findings**—outlined in the Summary for Policymakers (pdf)—include:

Climate models project robust differences in regional climate characteristics between present-day and global warming of 1.5°C, and between 1.5°C and 2°C. These differences include increases in: mean temperature in most land and ocean regions, hot extremes in most inhabited regions, heavy precipitation in several regions, and the probability of drought and precipitation deficits in some regions;

Climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth are projected to increase with global warming of 1.5°C and increase further with 2°C;

Pathways limiting global warming to 1.5°C with no or limited overshoot would require rapid and far-reaching transitions in energy, land, urban and infrastructure (including transport and buildings), and industrial systems. These systems transitions are unprecedented in terms of scale, but not necessarily in terms of speed, and imply deep emissions reductions in all sectors, a wide portfolio of mitigation options, and a significant upscaling of investments in those options;

All pathways that limit global warming to 1.5°C with limited or no overshoot project the use of carbon dioxide removal (CDR);

Limiting the risks from global warming of 1.5°C in the context of sustainable development and poverty eradication implies system transitions that can be enabled by an increase of adaptation and mitigation investments, policy instruments, the acceleration of technological innovation and behavior changes;

**Strengthening the capacities for climate action of national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities can support the implementation of ambitious actions implied by limiting global warming to 1.5°C. International cooperation can provide an enabling environment for this to be achieved in all countries and for all people, in the context of sustainable development. International cooperation is a critical enabler for developing countries and vulnerable regions.**

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work on points. Rockström and his colleagues at the Stockholm Resilience Centre in Sweden found that it is precisely these feedback loops and tipping points that should most frighten and concern humanity. While nascent and not conclusive in its findings—two of the reasons you won’t find it referenced in the IPCC report—the study warned that humanity may be just 1°C away from creating a series of dynamic feedback loops that could push the world into a climate scenario not seen since the dawn of the Holocene Period, nearly 12,000 years ago.

Quoted in Tuesday’s Guardian article about the dangers of ignoring potential tipping points, Nobel prize laureate Mario Molina, who shared the award for chemistry in 1995 for his work on ozone depletion, said: 'The IPCC report demonstrates that it is still possible to keep the climate relatively safe, provided we muster an unprecedented level of cooperation, extraordinary...
speed and heroic scale of action. But even with its description of the increasing impacts that lie ahead, the IPCC understates a key risk: that self-reinforcing feedback loops could push the climate system into chaos before we have time to tame our energy system, and the other sources of climate pollution.

The purpose of recognizing the terrifying predictions is not to instill fear, however, climate campaigners and advocates for bold solutions say.

In a paper authored last year—titled Leading the Public into Emergency Mode: A New Strategy for the Climate Movement—Margaret Klein Salamon writes that while a World War II-style mobilization is necessary to achieve the kind emission cuts and energy transformation that science now mandates, understanding the stakes does not necessarily mean being debilitated by that knowledge. In an op-ed for Common Dreams, she argued "that intense, but not paralyzing, fear combined with maximum hope can actually lead people and groups into a state of peak performance. We can rise to the challenge of our time and dedicate ourselves to become heroic messengers and change-makers."

And as Rajiv Sicora, senior manager of research for The Leap, wrote to his group's supporters in an email on Tuesday: "This is not the time to turn away, whether in fear or in active denial of the facts. This is a time to use our fear as fuel: because the report also makes clear that the worst effects of global warming can still be prevented, and the urgency of transformative change should excite and empower all of us who are fighting for justice anyway."

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Scientists described the quickening rate of carbon dioxide emissions in stark terms, comparing it to a ‘speeding freight train’ and laying part of the blame on an unexpected surge in the appetite for oil as people around the world not only buy more cars but also drive them farther than in the past — more than offsetting any gains from the spread of electric vehicles.”

The reports show that following a three year leveling off in for each of the last five years world oil use has increased and is expected to have gone up another 2.7% in 2018, following a 1.6% rise in 2017. China’s greenhouse gas emissions are en route to a 4.7% rise in 2018, as the government encourages increased manufacturing — and coal use — to compensate for a slowing economy. India’s carbon emission is expected to increase by 6.3% as the country works to provide electricity to an additional 300 million people. The European Union is moving toward a .7% decline in these emissions in 2018, but that is less than the 2.2 % reduction of 2017. The U.S. is expected to have an increase of over 2%

With important exceptions, coal use is declining, but increased burning of oil and natural gas is more than exceeding that and the huge increase in solar and wind energy. The research is published by the Global Carbon Project: http://www.globalcarbonproject.org/carbonbudget/.


Alleged%20Perjury%20Doesn%27t%20Help%20Kavanaugh%27s%20Credibility%20%7C%20News%20%2526%20Views--

Melting%20Permafrost%20Projections%20Reveal%20Paris%20Climate%20Goals%20at%20Risk Study, reported: "Global policymakers have failed to account for a key factor in setting carbon dioxide (CO2) emissions budgets to rein in the climate crisis—melting permafrost—a new study finds, and warns that the world could exceed the global warming limits laid out in the Paris climate accord sooner than expected.

The scientific answer to 'How soon are we likely to exceed our Paris target?' is somewhere between 10 years ago and the next 20 years. Definitely not later than that,' lead author Thomas Gasser, a researcher with the International Institute for Applied Systems Analysis (IIASA) Ecosystems Services and Management Program, told The Independent.

The IIASA team of researchers, whose study was published Monday in the journal Nature Geoscience, says theirs is the first to account for the role of so-called "tipping" point of thawing permafrost in warming projections. Taking those dynamics into account, the study estimates how much carbon budgets may need to be slashed in order to meet the Paris targets.

The area of active permafrost is already expanding, releasing with it not only carbon but the potent greenhouse gas methane. This melting also casts light on the problem of viewing as linear the relationship between global temperature rise and cumulative CO2, the researchers say.

'Permafrost carbon release from previously frozen organic matter is caused by global warming, and will certainly diminish the budget of CO2 we can emit while staying below a certain level of global warming,' said Gasser.

'It is also an irreversible process over the course of a few centuries, and may therefore be considered a 'tipping' element of the Earth's carbon-climate system that puts the linear approximation of the emission budget framework to the test,' he added.

The Paris agreement commits nations to keeping 'a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius.'

The researchers say this 'overshooting'—hitting a 2-degree rise first and then attempting to bring it down—is problematic.

'Overshooting is a risky strategy and getting back to lower levels after an overshoot will be extremely difficult. However, since we are officially on an overshooting trajectory, we have to prepare ourselves for the possibility that we may never get back to safer levels of warming. Policymakers should understand that there is no elementary proportionality
between cumulative CO₂ emissions due to human activity and global temperature, as
previously believed, and that overshooting may have serious consequences," Gasser stated.

To achieve the 1.5 degree Celsius target, 'reductions in the median remaining budget
range from ~10% to more than 100%,' the researchers warned.('We should have changed course a while ago," Gasser told The Independent, "and we
should now significantly increase our efforts to do so.' This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License."

Jon Queally, "'We Are Climbing Rapidly Out of Humankind's Safe Zone': New
Report Warns Dire Climate Warnings Not Dire Enough: 'Climate change is now reaching the
end-game, where very soon humanity must choose between taking unprecedented action, or
accepting that it has been left too late and bear the consequences," Common Dreams, August 20,

%27We%20Are%20Climbing%20Rapidly%20Out%20of%20Humankind%27s%20Safe%20Zone%27--
%27%3A%20New%20Report%20Warns%20Dire%20Climate%20Warnings%20Not%20Dire%20
Enough, reported, "Offering a stark warning to the world, a new report out Monday argues
that the reticence of the world’s scientific community—trapped in otherwise healthy habits
of caution and due diligence—to downplay the potentially irreversible and cataclysmic
impacts of climate change is itself a threat that should no longer be tolerated if humanity is
to be motivated to make the rapid and far-reaching transition away from fossil fuels and
other emissions-generating industries.

In the new report—titled What Lies Beneath: The Understatement of Existential
Climate Risk (pdf)—authors David Splatt and Ian Dunlop, researchers with the National Centre
for Climate Restoration (Breakthrough), an independent think tank based in Australia, argue that
the existential threats posed by the climate crisis have still not penetrated the collective
psyche of humanity and that world leaders, even those demanding aggressive action, have
not shown the kind of urgency or imagination that the scale of the pending catastrophe
presents.

While the report states that 'a fast, emergency-scale transition to a post-fossil fuel
world is absolutely necessary to address climate change," it bemoans the fact that this
solution continues to be excluded from the global policy debate because it is considered by
the powerful as 'too disruptive.' However, the paper argues, it is precisely this lack of
imagination and political will that could doom humanity’s future.

As Splatt and Dunlop summarize at Renew Economy, their paper analyzes why:

Human-induced climate change is an existential risk to human civilisation: an adverse
outcome that will either annihilate intelligent life or permanently and drastically
curtail its potential, unless dramatic action is taken.

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The bulk of climate research has tended to underplay these risks, and exhibited a preference for conservative projections and scholarly reticence.

IPCC reports tend toward reticence and caution, erring on the side of "least drama," and downplaying the more extreme and more damaging outcomes, and are now becoming dangerously misleading with the acceleration of climate impacts globally.

Why this is a particular concern with potential climatic "tipping points," the passing of critical thresholds which result in step changes in the climate system. Under-reporting on these issues is contributing to the "failure of imagination" in our understanding of, and response to, climate change.

'Climate change is now reaching the end-game,' reads the forward to the report by Hans Joachim Schellnhuber, head of the Potsdam Institute for Climate Impact Research, 'where very soon humanity must choose between taking unprecedented action, or accepting that it has been left too late and bear the consequences.'

David Spratt, @djspratt, 'When #climate risks are understated, it’s time to understand 'What lies beneath' the scientific reports and policymaking.'

'It is no longer possible to follow a gradual transition path to restore a safe climate,' write Spratt and Dunlop in an op-ed published in the Guardian on Monday. 'We have left it too late; emergency action, akin to a war footing, will eventually be accepted as inevitable. The longer that takes, the greater the damage inflicted upon humanity.'

At the center of their argument, the pair explain, is that while the global scientific community—including the vital work of the UN-sponsored Intergovernmental Panel on Climate Change (IPCC)—has been at the forefront of warning humanity about the processes and dangers of human-caused global warming, there has been simply too much 'reticence and caution' that has led researchers to downplay the most 'extreme and damaging outcomes' that lurk beneath their publicly stated findings and pronouncements.

While this has been understandable historically, given the pressure exerted upon the IPCC by political and vested interests, it is now becoming dangerously misleading with the acceleration of climate impacts globally. What were lower probability, higher-impact events are now becoming more likely.

This is a particular concern with potential climatic tipping points – passing critical thresholds which result in step changes in the climate system – such as melting polar ice sheets (and hence increasing sea levels), permafrost and other carbon stores, where the impacts of global warming are nonlinear and difficult to model with current scientific knowledge.

The extreme risks which these tipping points represent justify strong precautionary risk management. Under-reporting on these issues is irresponsible, contributing to the failure of imagination that is occurring today in our understanding of, and response to, climate change.

'Either we act with unprecedented speed," Spratt and Dunlop conclude, "or we face a bleak future.'

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As millions of people across the globe face extreme heat advisories, with temperatures even soaring beyond 90 degrees in Siberia last week, a recent study published in the British journal *Nature Geoscience* warns long-term global warming—and thus sea level rise—could be twice as bad as climate models project.

Study co-author Katrin Meissner of University of New South Wales, Australia remarked that "while climate model projections seem to be trustworthy when considering relatively small changes over the next decades, it is worrisome that these models likely underestimate climate change under higher emission scenarios, such as a 'business as usual' scenario, and especially over longer time scales."

A team of 59 researchers from 17 countries assessed previous warm periods over the past 3.5 million years and found that during each of the three intervals analyzed, the rate of warming was much slower compared with the changes seen today—which are driven by burning fossil fuels that release heat-trapping greenhouse gases. As Meissner put it, 'In terms of rate of change, we are in uncharted waters.'

The analysis focused on periods when global temperatures were 0.5-2°C above the 19th century pre-industrial temperatures, or the upper warming limit set by the Paris agreement. 'Two degrees can seem very benign when you see it on paper,' Meissner told the *Guardian*, 'but the consequences are quite bad and ecosystems change dramatically.'

Researchers found that warming of 1–2°C has caused land and ocean ecosystems as well as climate zones to shift toward the poles or to higher altitudes, and while they concluded that 'there is a low risk of runaway greenhouse gas feedbacks for global warming of no more than 2°C,' they warned that 'substantial regional environmental impacts can occur' under such conditions.

As the Oeschger Center for Climate Change Research (OCCR)—which partly funded the workshop for the analysis—explained, these ecosystem and climate zone shifts could ramp up permafrost thaw, which 'may release additional carbon dioxide and methane to the atmosphere, driving additional warming.'

'This suggests the carbon budget to avoid 2°C of global warming may be far smaller than estimated,' emphasized lead author Hubertus Fischer of the University of Bern. 'Accounting for the additional release of CO, leaves even less room for error or delay as humanity seeks to lower its CO emissions and stabilize global climate within reasonable limits.'

Additionally, as OCCR outlined, the team found that warming even within the parameters of the Paris accord 'will be sufficient to trigger substantial long-term melting of ice in Greenland and Antarctica and sea-level rise of more than six meters that will last for thousands of years.'
Acknowledging how sea level rise is already impacting coastal communities around the world, co-author Alan Mix of Oregon State University said, 'This rise may become unstoppable for millennia, impacting much of the world's population, infrastructure, and economic activity that is located near the shoreline.'

'The research also revealed how large areas of the polar ice caps could collapse and significant changes to ecosystems could see the Sahara Desert become green and the edges of tropical forests turn into fire-dominated savanna,' USA Today noted, though Meissner said that 'we cannot comment on how far in the future these changes will occur.'

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Greenpeace, responding to the report, concluded on Twitter, 'This is #climatechange, and the time to act on it is now.'

Since the temperature gradient between the Arctic and the equator drives the planetary waves eastward, as the Arctic temperature falls, the winds 'slow down so the weather in a given region gets stuck,' Schellnhuber explained. 'Rains can grow into floods, sunny days into heat waves, and tinder-dry conditions into wildfires.'

'While it might not sound so bad to have more prolonged sunny episodes in summer,' Coumou added in a statement, 'this is in fact a major climate risk.'

'Besides Arctic warming, there's also the possibility of climate-change-induced shifting of the storm tracks, as well as changes in the tropical monsoons,' noted co-author Simon Wang from Utah State University. 'Under global warming, the Indian summer monsoon rainfall will likely intensify and this will also influence the global airstreams and might ultimately contribute to more stalling weather patterns.'

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Considering those rates, Greg Johnson, an oceanographer at the National Oceanic and Atmospheric Administration (NOAA) Pacific Marine Environmental Laboratory in Seattle, warned that **even if humanity 'stopped the greenhouse gases at their current concentrations today, the atmosphere would still continue to warm for next couple decades to maybe a century.'**

The 332-page report—which was overseen by NOAA and published as a special supplement to the *Bulletin of the American Meteorological Society*—also notes that **2017 is among the three hottest years ever, taking the top spot for warmest non-El Niño year since scientists began measuring in the 1800s.** However, NOAA data released last weekend shows that **2018 is on track to set a new record.**

The report details how 'much-warmer-than-average conditions' across much of the world's lands and oceans has meant three years of 'unprecedented' coral bleaching, Arctic air temperatures that are 'warming at a pace that was twice the rate of the rest of the world,' rapidly melting glaciers and ice sheets, and devastating tropical storms—such as Hurricanes Irma and Maria—that reflect 'the very active state of the Atlantic basin.'

In its regional analyses, the report notes that 'the United States was impacted by 16 weather and climate events that each caused over $1 billion (U.S. dollars) in damages. Since records began in 1980, 2017 is tied with 2011 for the greatest number of billion-dollar disasters. Included in this total are the western U.S. wildfire season and Hurricanes Harvey, Maria, and Irma. Tornado activity in the United States in 2017 was above average for the first time since 2011, with 1,400 confirmed tornadoes.'
It also features a map that highlights notable climate anomalies and events across the globe during 2017. The graphic points out that both Argentina and Uruguay experienced their warmest years on record while Russia experienced its second wettest, and five of six observatories in Alaska documented record high permafrost temperatures.

Permafrost is a layer of soil, rock, or sediment that remains frozen and contains massive amounts of carbon dioxide and methane. Climate scientists are growing increasingly concerned that ‘as the global thermostat rises, permafrost, rather than storing carbon, could become a significant source of planet-heating emissions’
ALASKA
Five of six permafrost observatories on the North Slope reported record high permafrost temperatures.

ARCTIC SEA ICE EXTENT
During its growth season, the Arctic had its smallest annual maximum extent. During its melt season, the Arctic reached its eighth smallest minimum extent on record.

CANADA
Severe precipitation deficits in 2017 in the province of British Columbia contributed to the development of the largest wildfire season (1.2 million hectares of land affected) in province history.

CONTIGUOUS UNITED STATES
The 2017 national temperature was the third highest since 1895, behind 2012 and 2016. Arizona, Georgia, New Mexico, North Carolina, and South Carolina had their warmest year on record.

HURRICANE MARIA
(16–30 Sep)
Maximum winds - 280 km h⁻¹
Maria caused major destruction across the Caribbean Islands, including devastating wind damage and flooding across Puerto Rico.

HURRICANE HARVEY
(17 Aug–1 Sep)
Maximum winds - 215 km h⁻¹
Harvey produced record precipitation totals in areas of Texas and Louisiana, including a storm total peak of 1538.7 mm near Beaumont, TX.

EASTERN / CENTRAL NORTH PACIFIC HURRICANE SEASON
Near-average activity
18 storms, 9 hurricanes

MEXICO
Mexico had its highest annual mean temperature since records began in 1971. This is the fourth consecutive year the record has been broken.

BRAZIL / BOLIVIA
The total number of wildfires in the Amazon region in 2017 was 272,000—the highest number since records began in 1999.

ATLANTIC HURRICANE SEASON
Above-average activity
This was the most active season since 2005 and the 4th most active in the basin since at least 1950. 17 storms, 10 hurricanes

ARGENTINA / URUGUAY
2017 was the warmest year on record for both countries. An intense heat wave affected parts of southern South America in January. Of note, the maximum temperature of 43.5°C (110.3°F) was recorded at Puerto Madryn, Argentina, on 27 January—this was the highest temperature ever recorded so far south (43°S) in the world.
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Julia Conley, "Fueled by Floods, Storms, and Drought Made Worse by Climate Crisis, Global Hunger Levels Rise for Third Straight Year: 'The inescapable fact is that climate change is now leaving people around the world without enough to eat,'" Common
Prominent weather events, driven by the climate crisis, are a key factor in the rising global food crisis of recent years—with the number of people now affected by inadequate food and water prompting fears that the past decade's gains have been reversed.

A new study by the U.N. Food and Agriculture Organization (FAO), the International Fund for Agricultural Development, UNICEF, the World Food Program, and the World Health Organization find that 821 million people worldwide—one in nine—lack sufficient food and water. Malnutrition and food shortages worsened in most of Africa and in large swaths of South America in the last year.

‘Hunger is significantly worse in countries with agricultural systems that are highly sensitive to rainfall and temperature variability and severe drought, and where the livelihood of a high proportion of the population depends on agriculture,’ reads the study.

The report, entitled *The State of Food Security and Nutrition in the World 2018*, points to climate shocks including flooding, drought, and tropical storms as ones that have had the most adverse effects on food production.

Drought causes 80 percent of all damage to agriculture, with farmers in Ghana, Tanzania, and Nigeria reporting to the agencies that frequent droughts as well as heatwaves have resulted in significant crop loss.

In Asia, where more than half a billion of the world's hungry population lives, flooding is largely behind food scarcity. More than three million people in Bangladesh went without enough to eat in 2017 due to severe storms and resulting floods, while similar events combined with drought left more than 10 million hungry in Nepal, Afghanistan, and Pakistan.

The report offers a disconcerting contrast to numbers recorded in 2015, when 795 million people were found to be affected by hunger, and represents a return to levels found about a decade ago.

Food scarcity has been steadily rising worldwide since 2015, the agencies found—with this year's report showing the third year-over-year increase since then.

'It is shocking that, after a prolonged decline, this is the third consecutive year of rising hunger,' Robin Willoughby, head of food and climate policy at Oxfam, told *The Guardian*. 'The inescapable fact is that climate change is now leaving people around the world without enough to eat.'
In addition to directly affecting food supplies, the study notes, the climate crisis is central to the worldwide hunger crisis because it has been shown to fuel armed conflicts and other crises which in turn leave populations with insufficient food.

The climate crisis ‘also exacerbate[s] other driving factors of food insecurity and malnutrition, such as conflict, economic slowdowns and poverty,' wrote the agencies. 'It is thus critical to investigate in more detail how climate variability and extremes can undermine the different dimensions of food security (food availability, access, utilization and stability) and nutrition.'

As Cindy Holleman, a senior economist for FAO, said Tuesday, in addition to combating the climate crisis itself by shifting away from fossil fuel-based energy sources, governments must make strides to increase their 'climate resilience.'

'We know what needs to be done to solve this problem," Holleman said. "What we're talking about is climate resilience and scaling up programs and policies that support climate resilience. The main this it that we need to act now because hunger is starting to rise.'

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Jon Queally, "A 'Hothouse' Future for Humanity: Scientists Behind Terrifying Climate Analysis Hope They Are Wrong: "This is, by far, the biggest political issue in the world. It is the one thing that will affect everyone on the planet for centuries to come. Why isn't everyone shouting it from the rooftops?"

Common Dreams, August 07, 2018, https://www.commondreams.org/news/2018/08/07/hothouse-future-humanity-scientists-behind-terrifying-climate-analysis-hope-they-are?cd-origin=rss&utm_term=A%20%27Hothouse%27%20Future%20for%20Humanity%3A%20Scientists%20Behind%20Terrifying%20Climate%20Analysis%20Hope%20They%20Are%20Wrong&utm_campaign=News%20%26%20Views%20%7C%20%27Hothouse%27%20Future%20for%20Humanity%3A%20Why%20These%20Scientists%20Hope%20Their%20Study%20Is%20Wrong&utm_content=email&utm_source=Daily%20Newsletter&utm_medium=Email&cm_mmc=Act-On%20Software_-_email--News%20%26%20Views%20%7C%20%27Hothouse%27%20Future%20for%20Humanity%3A%20Why%20These%20Scientists%20Hope%20Their%20Study%20Is%20Wrong--A%20%27Hothouse%27%20Future%20for%20Humanity%3A%20Scientists%20Behind%20Terrifying%20Climate%20Analysis%20Hope%20They%20Are%20Wrong, reported, "Warning of a possible domino effect as multiple climate feedback loops are triggered within a dynamic cascade of rising temperatures and warming oceans, scientists behind a frightening new study say that for the sake of humanity's future they hope scenarios explored in their new models do not come to pass.

‘This study effectively suggests the human race could become extinct this century and it's not even the top story on the fucking Guardian.’

'I do hope we are wrong, but as scientists we have a responsibility to explore whether this is real,' Johan Rockström, executive director of the Stockholm Resilience Centre, where the research was done, told the Guardian. 'We need to know now. It's so urgent. This is one of the most existential questions in science.'

Published in the Proceedings of the National Academy of Sciences, the new study, while not conclusive in its findings, warns that humanity may be just 1°C away from creating a series of dynamic feedback loops that could push the world into a climate scenario not seen since the dawn of the Holocene Period, nearly 12,000 years ago.
The research, according to its abstract, explores 'the risk that self-reinforcing feedbacks could push the Earth System toward a planetary threshold that, if crossed, could prevent stabilization of the climate at intermediate temperature rises and cause continued warming on a 'Hothouse Earth' pathway even as human emissions are reduced. Crossing the threshold would lead to a much higher global average temperature than any interglacial in the past 1.2 million years and to sea levels significantly higher than at any time in the Holocene.'

As Rockström explains, the 'tipping elements' examined in the research 'can potentially act like a row of dominoes. Once one is pushed over, it pushes Earth towards another.' And in an interview with the BBC, he added, "What we are saying is that when we reach 2 degrees of warming, we may be at a point where we hand over the control mechanism to Planet Earth herself. We are the ones in control right now, but once we go past 2 degrees, we see that the Earth system tips over from being a friend to a foe. We totally hand over our fate to an Earth system that starts rolling out of equilibrium."
Such feedback occurrences, the authors of the study write, would pose 'severe risks for health, economies, political stability, and ultimately, the habitability of the planet for humans.'

Ellie Mae O'Hagan, @MissEllieMae, "This study effectively suggests the human race could become extinct this century and it's not even the top story on the fucking Guardian."

With Arctic ice and glaciers melting away; increasingly powerful and frequent storms in the Atlantic and Pacific; coral reefs dying from warming oceans; record-setting wildfires in the U.S.; unprecedented heatwaves in Europe, the Middle East, and elsewhere—climate researchers have been at the forefront of sounding the alarms about the frightening path humanity is now following.
'In the context of the summer of 2018, this is definitely not a case of crying wolf, raising a false alarm: the wolves are now in sight,' said Dr. Phil Williamson, a climate researcher at the University of East Anglia, about the latest study. 'The authors argue that we need to be much more proactive in that regard, not just ending greenhouse gas emissions as rapidly as possible, but also building resilience in the context of complex Earth system processes that we might not fully understand until it is too late.'

Nick_Swindon, @nick_swindon, 'This is, by far, the biggest political issue in the world. It is the one thing that will affect everyone on the planet for centuries to come. Why isn’t everyone shouting it from the rooftops?'

In order to avoid the worst-case scenarios, the researchers behind the study say that 'collective human action is required' to steer planet's systems away from dangerous tipping points. "Such action," they write, "entails stewardship of the entire Earth System—biosphere, climate, and societies—and could include decarbonization of the global economy, enhancement of biosphere carbon sinks, behavioral changes, technological innovations, new governance arrangements, and transformed social values.'

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ocean temperatures resulting from human-caused global warming—is worse than previously thought.

The latest annual Arctic Report Card from National Oceanic and Atmospheric Administration (NOAA) found that over the past three decades, a 'stunning' 95 percent of northern region's the oldest, thickest ice has disappeared.

As the Washington Post reported:

"The finding suggests that the sea at the top of the world has already morphed into a new and very different state, with major implications not only for creatures such as walruses and polar bears but, in the long term, perhaps for the pace of global warming itself.

The oldest ice can be thought of as a kind of glue that holds the Arctic together and, through its relative permanence, helps keep the Arctic cold even in long summers...

If the Arctic begins to experience entirely ice-free summers, scientists say, the planet will warm even more, as the dark ocean water absorbs large amounts of solar heating that used to be deflected by the cover of ice.'

'The Arctic is an indication of what's coming to the rest of the globe," noted Walt Meier, a sea ice expert at the National Snow and Ice Data Center (NSIDC). And while the timeline is uncertain, the region appears on-track to experience an ice-free summer.'

'In the Arctic Ocean, a difference of 2 degrees can be huge. If it goes from 31 Fahrenheit to 33 Fahrenheit, you're going from ice skating to swimming,' Meier told the Post. 'Looking down from the North Pole from above, for all intents and purposes, you're going to see a blue Arctic Ocean.'

If ice-free summers become the Arctic's new normal, it would be an 'unmitigated disaster;' concluded Veerabhadran Ramanathan, a climate expert at the Scrippps Institution of Oceanography. Such conditions, he warned, could add another half-degree Celsius (0.9 degrees Fahrenheit) to the already-alarming rates of global temperature rise.

Meanwhile, at the world's southern pole, as the Guardian reported, NASA researchers have discovered that "a group of glaciers spanning an eighth of the East Antarctic coastline are being melted by the warming seas." This region, the newspaper noted, 'stores a vast amount of ice, which, if lost, would in the long-term raise global sea level by tens of meters and drown coastal settlements around the world.'

East Antarctica is relatively unstudied compared with West Antarctica, where 'utterly terrifying' findings have fueled demands for urgent action worldwide to dramatically cut planet-warming emissions. For this study, NASA researchers used satellites to analyze ice movements and heights, and measured ocean temperature over time by tagging seals.

The ice retreat they saw, 'doesn't seem random, it looks systematic,' explained NASA's Alex Gardner. 'That hints at underlying ocean influences that have been incredibly strong in West Antarctica.' While the observations have experts worried, Gardner said they indicate a need for more research to determine 'whether these glaciers will enter a phase of rapid retreat or stabilize.'
This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License."

Jessica Corbett, “As Study Ties 'Great Dying' of 252 Million Years Ago to Current Climate Crisis, Experts Say Still Time for 'Different Path': "Reading about this may make you may feel powerless, but collectively, our choices are the most powerful geological force in our planet's history," Common Dreams, December 06, 2018, https://www.commondreams.org/news/2018/12/06/study-ties-great-dying-252-million-years-ago-current-climate-crisis-experts-say?cd-origin=rss&utm_term=As%20Study%20Ties%20'Great%20Dying'%20of%20252%20Million%20Years%20Ago%20to%20Current%20Climate%20Crisis%2C%20Experts%20Say%20Still%20Time%20for%20Different%20Path%27&utm_campaign=%27We%20Have%20Not%20Come%20Here%20to%20Beg%20World%20Leaders%20to%20Care.%20We%20Have%20%20Come%20to%20Let%20Them%20Know%20Change%20Is%20Coming%27%20%7C%20Your%20Week%20in%20Review%27&utm_content=email&utm_source=Weekly%20Newsletter&utm_medium=Email&cm_mmc=Act-On%20Software--email---%20%20%27We%20Have%20Not%20Come%20Here%20to%20Beg%20World%20Leaders%20to%20Care.%20We%20Have%20%20Come%20to%20Let%20Them%20Know%20Change%20Is%20Coming%27%20%7C%20Your%20Week%20in%20Review--As%20Study%20Ties%20'Great%20Dying'%20of%20252%20Million%20Years%20Ag o%20to%20Current%20Climate%20Crisis%2C%20Experts%20Say%20Still%20Time%20for%20Different%20Path%27, ‘For the first time ever, researchers have tied ‘climate change triggered by volcanic greenhouse gases’ to the largest extinction in Earth's history, often
called the "Great Dying," 252 million years ago—and their findings, published Thursday by Science, are just the latest fuel added to the burning concern about the world's current extinction crisis.

The study adds to a growing body of research on alarming declines in biodiversity, offering a glimpse of what could come of the planet's inhabitants if global warming is allowed to continue unabated. The Great Dying, at the end of the Permian Period, wiped out 96 percent of all marine species and 70 percent of terrestrial species.

'The ultimate, driving change that led to the mass extinction is the same driving change that humans are doing today, which is injecting greenhouse gases into the atmosphere,' Justin Penn, a University of Washington doctoral student in oceanography and the study's lead author, told the Seattle Times.

'The study tells us what's at the end of the road if we let climate [change] keep going,' warned Curtis Deutsch, Penn's co-author and PhD adviser, as the latest projections show emissions hitting record-breaking levels this year. 'The further we go, the more species we're likely to lose... That's frightening. The loss of species is irreversible.'

The research team, which also included scientists from Stanford, used a supercomputer to model the impact of greenhouse gases from volcanic eruptions near the end of the Permian Period on the species that existed at that time.

While scientists have long believed the volcanic activity was tied to the mass extinction, as United States Geological Survey geologist and volcanologist Seth Burgess put it, this new research 'takes the next step in figuring out why things died at the end of the Permian... It couples what we think was happening in the climate with the fossil record, and it does it elegantly.'

The study determined that as ocean waters warmed and oxygen levels fell, marine animals suffocated and died out. "For the first time, we've got a whole lot of confidence that this is what happened," Deutsch told the Guardian. "It's a very strong argument that rising temperatures and oxygen depletion were to blame."
Given the comparisons to current events—scientists are also tracking oxygen depletion in the world's oceans that is happening now, this time due to massive human and industrial carbon emissions—the study has elicited calls for urgent and global action to mitigate the intertwined extinction and climate crises, as world leaders are gathered at COP24 in Poland to discuss how to meet the goals of the Paris agreement.

‘Voluminous emissions of carbon dioxide to the atmosphere, rapid global warming, and a decline in biodiversity—the storyline is modern, but the setting is ancient.’ Penn State geosciences professor Lee Kump, who was not part of the research team, wrote in a Science piece responding to the new findings.

‘As our understanding of the drivers and consequences of end-Permian climate change and mass extinction improves,’ Kump added, ‘the lessons for the future become clear.’

‘It's entirely within our control to steer the planet on a different path away from the brink,’ concluded meteorologist and Grist columnist Eric Holthaus. ‘Reading about this may make you may feel powerless, but collectively, our choices are the most powerful geological force in our planet's history.’

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The Climate Talks in Poland aimed at placing some details on what was promised by each nation, often vaguely, under the Paris agreement, have the promise of making it possible to put more pressure on countries to meet their stated goals, with them being spelled out more clearly. The first problem is that the combined promises, even if kept in full, are way short of what is needed to prevent a climate catastrophe.

Second, many nations are nowhere near meeting their goals, though a few are. The United States, under Obama had made the difficult commitment of cutting CO2 emissions 26%-28% by 2015, But the Trump administration has announced it is quitting the Paris Climate Accord, as of 2020, and is moving to allow extensive increases in fossil fuel use and emissions. China is on track to meet its goal, but the pledge has been seen by experts as being woefully too little reduction. India had made a very modest commitment, but the current move to use wind and solar for rapid rural electrical development appears to have India on track to exceed its targets. Brazil, with its new development oriented government and Indonesia have been increasingly failing to protect their carbon dioxide absorbing rain forests - which also bring about more carbon emissions from burning of the cut wood - as they allow the spread of agriculture (including cattle raising in Brazil and palm oil plantations in Indonesia).

Third is that the Feuding of the United States and China was making it very difficult to make progress in negotiations as the meeting began. Without U.S. leadership in making significant action to slow climate change, it is extremely difficult to even come close to making the needed progress (Brad Plumer, "The Paris Climate Pledges Are Overly Modest. And they Are Not Being Met," The New York Times, December 9, 2018; and Somini Sengupta, "U.S.-China Friction Threatens to Undercut the Fight Against Climate Change," The New York Times, December 7, 2018, https://www.nytimes.com/2018/12/07/climate/us-china-climate-change.html).

Paris climate agreement alive by adopting a detailed set of rules to implement the pact."

Extending the meeting into an all-night session, the delegates agreed to a uniform set of standards for all countries for measuring their greenhouse gas emissions and tracking their progress on meeting their climate goals.

The U.S., despite President Trump's announced pulling out of the Paris Accords in late 2020, joined in the agreement, and collaborated with China on building transparency into the standards and procedures.

The agreement requires wealthier nations to specify more fully the aid they intend to offer poorer nations install more clean energy and become more resilient against natural disasters. It also provides a process through which countries that are struggling to meet their emissions goals can get help in returning to meeting their targets.

Many attendees voiced strong concern that the meeting did not call for greater action on reducing greenhouse gas emissions, as the Paris goals fall well short of what is necessary, even if fully met.

Jessica Corbett, "This Is a Scam: ExxonMobil-Backed Carbon Tax Will Not Save the Planet: 'It comes as no surprise that ExxonMobil and other oil companies are calling for anything and everything short of moving off fossil fuels entirely—most notably, the unwieldy and unproven concept of carbon taxes,'" Common Dreams, October 09, 2018, https://www.commondreams.org/news/2018/10/09/scam-exxonmobil-backed-carbon-tax-will-not-save-planet?cd-origin=rss&utm_term=%27This%20Is%20a%20Scam%27%3A%20ExxonMobil-Backed%20Carbon%20Tax%20Will%20Not%20Save%20the%20Planet&utm_campaign=Jane%20Sanders%20Explains%20How%20to%20Fix%20Western%20Democracy%20%207C%2020Views&utm_content=email&utm_source=Daily%20Newsletter&utm_medium=Email&cm_mmc=Act-On%20Software--email--Jane%20Sanders%20Explains%20How%20to%20Fix%20Western%20Democracy%20%207C%2020Views---%27This%20Is%20a%20Scam%27%3A%20ExxonMobil-Backed%20Carbon%20Tax%20Will%20Not%20Save%20the%20Planet, reported, "Amid warnings from the Intergovernmental Panel on Climate Change (IPCC) that there's a closing window to act to prevent a climate catastrophe—and critiques that its report released Monday was far too conservative—critics are calling out ExxonMobil for pledging a $1 million contribution to a campaign for a carbon tax as a sneaky attempt to control the debate on climate action and dodge greater financial liability.

'This is a scam: Exxon wants a super low price on carbon so they can boost their natural gas business and avoid other regulations,' 350.org co-founder Jamie Henn responded in a series of tweets.

'Read the fine print,' Henn continued. 'As part of the deal for supporting a price on carbon, Exxon wants to be freed from all climate liability. They know that just like Big Tobacco they could be on the hook for billions in damages for lying about climate change.'

Progressives and climate campaigners have argued both for and against market-based solutions such as a carbon tax, but have tended to agree that fossil fuel giants back such proposals not because they support climate action, but because they want to undermine efforts such as lawsuits that have sought to hold Exxon and other oil and gas producers accountable for their decades of denialism and contributions to the global climate crisis.
"Market-based carbon pricing schemes are a false solution to climate change, and a dangerous distraction from the urgent transition to a truly clean, renewable energy future we must undertake now," Food & Water Watch executive director Wenonah Hauter said in a statement on Tuesday.

'It comes as no surprise that ExxonMobil and other oil companies are calling for anything and everything short of moving off fossil fuels entirely—most notably, the unwieldy and unproven concept of carbon taxes,' Hauter added. 'The IPCC report acknowledges that carbon taxes would have to be incredibly high to make even a dent in the crisis.'

Responding to Exxon's latest move, Kate Aronoff, who has written extensively about the climate crisis, said, 'It's not a lot of money, but they're not very subtly trying to stake a claim to whatever climate policy debate happens.' She also noted that the tax proposed by the Exxon campaign group, Americans For Carbon Dividends, 'is way too low.'

Referencing a new analysis from Alex Kaufman at the Huffington Post on the potential impact of a carbon tax, Henn pointed out: 'DC-types love carbon pricing but usually fail to mention that there's no political way you could get the price high enough to actually solve the climate problem. It's only one piece of the puzzle.'

Writing within the context of the IPCC report released Monday, Kaufman outlined how its warnings—however conservative, when compared to other recent climate studies—challenged but 'doesn't seem to have shaken many Republican climate hawks' faith that market tweaks alone can deliver the unprecedented emissions cuts needed to avert disaster.'

While Josiah Neeley, a senior fellow at the right-wing climate policy think tank R Street Institute, insisted to Kaufman that 'a market-based, revenue-neutral carbon tax is perfectly capable of achieving rapid decarbonization as is called for in the new IPCC report,' the actual authors of the report don't agree. As Kaufman noted:

Asked during an IPCC press conference on Sunday night if carbon pricing could radically overhaul the global economy in the next decade, two IPCC authors started to laugh. James Skea, a co-chair of an IPCC working group, said it was "one among that portfolio of instruments that can be used" but could not serve as a panacea.

'There are some areas where carbon pricing may not be the most appropriate approach,' he said from Incheon, South Korea.

Referencing Kaufman's article and the IPCC report on Twitter Monday, Bill McKibben, another co-founder of 350.org, also concluded: 'One takeaway from today's climate report is that we've waited long enough that almost no-one thinks a carbon price alone can get us where we need to go. It's one part of a portfolio of solutions.'

Hauter, meanwhile, urged Congress to pass the Off Fossil Fuels for a Better Future Act (OFF Act)—unveiled by Rep. Tulsi Gabbard (D-Hawaii) last year—which she called 'the most ambitious climate legislation ever introduced.'

'The alarming findings of the latest IPCC report,' Hauter charged, 'validate an aggressive approach to deepening climate chaos that scientists, advocates, and elected officials across the country are steadily endorsing: a rapid transition off fossil fuels that would make our society almost entirely reliant on clean, renewable energy in the next ten years.

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Jessica Corbett, "One for the History Books!'': Dutch Court Puts World on Notice by Ordering Government to Move Faster on Emission Cuts: The government of the Netherlands, said the court, 'has done too little to prevent the dangers of climate change and is doing too little
notice-ordering-government-move-faster?cd-
%27One%20for%20the%20History%20Books%21%27%20Dutch%20Court%20Puts%20World%20on%20Notice%20by%20Ordering%20Government%20to%20Move%20Faster%20on%20Emission%20Cuts, reported, "Citing the urgent warnings issued by the global scientific community about the pending climate catastrophe while also putting governments across the world "on notice," a Dutch appeals court on Tuesday upheld a landmark legal ruling that requires the Netherlands government to be significantly more aggressive in cutting greenhouse gas emissions.

With a ruling that "was greeted with whoops and cheers in the courtroom," the Guardian reports that the court called for emissions "reductions of at least 25 percent by 2020—measured against 1990 levels—higher than the 17 percent drop planned by Mark Rutte's liberal administration."

Julia Conley, "With Scores Dead and 1,000+ Missing in California Fires, New Study Warns Cities Will Soon Face Up to Six Climate Disasters at Once: 'We cannot accept the tragic loss of life and displacement from these wildfires as the new normal. We must honor the victims now by fighting for a better and safer tomorrow,'" Common Dreams, November 20, 2018, https://www.commondreams.org/news/2018/11/20/scores-dead-and-1000-missing-california-fires-new-study-warns-cities-will-soon-face--
origin=rss&utm_term=With%20Scores%20Dead%20and%201%2000%2B%20Missing%20in%20California%20Fires%2C%20New%20Study%20 Warns%20Cities%20 Will%20 Soon%20 Face%20 Up%20 to%20 Six %20 Climate%20 Disasters%20 at%20 Once&utm_campaign=%27Dangerous%20and%20Imbecilic%27%20 Trump%20Smears%20Khashoggi%2C%20 Vows%20to%20 Back%20 Murderous%20 Saudis%20%7C%20 News%20%2526%20 Views&utm_cont ent=email&utm_source=Daily%20Newsletter&utm_medium=Email&cm_mmc=Act-On%20Software--email--With%20Scores%20Dead%20and%201%2000%2B%20Missing%20in%20California%20Fires%2C%20New%20Study%20 Warns%20Cities%20 Will%20 Soon%20 Face%20 Up%20 to%20 Six %20 Climate%20 Disasters%20 at%20 Once, reported, "While one-at-a-time disasters fueled by a rapidly warming planet have become commonplace in recent years—with the ongoing and deadly wildfires in California just one example—new research shows that by century's end the frightening new normal could be cities and states facing multiple extreme climate events all at once."
Researchers at the University of Hawaii found that without keeping the warming of the planet below two degrees Celsius above pre-industrial levels, major cities like New York, Sydney, and Rio de Janeiro could soon face up to five catastrophic weather events in a single year—including wildfires, hurricanes, storm surges, and droughts.

The phenomenon has already taken place, the report notes, with Florida experiencing more than 100 wildfires, drought, and the severely destructive Hurricane Michael in the past year—but with most news reports and climate researchers focusing on one disastrous weather event at a time, the current reality has been obscured.

'A focus on one or few hazards may mask the impacts of other hazards, resulting in incomplete assessments of the consequences of climate change on humanity,' lead author Camilo Mora told the Agence France Presse.

The report only bolsters the argument of those forced to issue urgent action demands in the wake of whatever climate-related disaster has most recently struck. In the U.S. right now, that means the unprecedented wildfires that have ravaged California in recent weeks.

'The costs of inaction greatly outweigh the costs of taking action on climate change,' Michael Mann, a climatologist at Penn State University, told the AFP. 'We can still reduce future damage and suffering if we act quickly and dramatically to reduce carbon emissions.'

At least 80 people have been killed in the fires, with nearly 1,000 unaccounted for as of Tuesday morning, according to NBC.

'An untold number of people lost their lives due to the Camp Fire wildfire in California, many are missing and communities have been destroyed. Last week, the air quality in Sacramento and the San Francisco Bay were the worst on the planet,' said Abigail Dillen, president of Earthjustice, in a statement.

'The increasing risks make it clear that this nation must deepen its commitment to stemming climate change now. We cannot accept the tragic loss of life and displacement from these wildfires as the new normal,' she continued. 'We must honor the victims now by fighting for a better and safer tomorrow for their families and communities.'

One far-reaching solution was the subject of direct actions in lawmakers' offices across the country on Tuesday, as the youth-led climate action group Sunrise Movement demanded that Democrats back the Green New Deal—a bold set of proposals modeled on the Depression-era New Deal and aimed at investing in carbon-free energy infrastructure and the millions of jobs it would create.

'It's these kinds of social movement actions that we know can change the zeitgeist,' May Boeve, executive director of 350.org, told The Real News last week. 'And we can't always be talking about what we don't want. That is why the Green New Deal is so essential, because it's about the future we need to build...and that is, I think, a way of really capturing that we can do better.'

Proactive measures to combat the climate crisis will have far-reaching effects on the quality of life enjoyed by people all over the world, said Jonathan Patz, one of the authors of the University of Hawaii’s study—not just the effect of avoiding destructive wildfires, hurricanes, and floods.

'Our health depends on multiple factors, from clean air and water, to safe food and shelter,' Patz told the AFP. 'If we only consider the most direct threats from climate change—heatwaves or severe storms, for example—we inevitably will be blindsided by even larger threats that, in combination, can have even broader societal impacts.'

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The disruptions to everyday life have been far-reaching and devastating. In California, firefighters are racing to control what has become the largest fire in state history. Harvests of staple grains like wheat and corn are expected to dip this year, in some cases sharply, in countries as different as Sweden and El Salvador. In Europe, nuclear power plants have had to shut down because the river water that cools the reactors was too warm. Heat waves on four continents have brought electricity grids crashing."

Heat-related deaths are on the rise, as illustrated by the many in Japan this summer. They are expected to increase by five times in the United States by 2080. Less wealthy countries are expected to have a greater increase in heat-related deaths. In the Philippines the heat-related death toll is expected to increase 12 times.

The hottest three years in recorded history for the Earth have been 2015-17, with 2018 appearing to be the fourth hottest. 17 of the 18 hottest years have occurred since 2001. The science has long since made it clear that the cause is human action increasing greenhouse gas emissions, which continue to rise from direct human causes, which in turn are leading to positive (negative for us) feedbacks further and further increasing greenhouse gases entering the atmosphere, further increasing warming. Globally, this is shaping up to be the fourth-hottest year on record.

"Temperatures are still rising, and, so far, efforts to tame the heat have failed. Heat waves are bound to get more intense and more frequent as emissions rise, scientists have concluded. On the horizon is a future of cascading system failures threatening basic necessities like food supply and electricity.

![Annual Global Surface Temperature, Relative to Late 19th Century Average](image-url)
2017 Was One of the Hottest Years on Record. And That Was Without El Niño.
Researchers reported Thursday that 2017 average global temperatures are just below the record set in 2016. The result was surprising because there was no El Niño, the weather pattern usually linked to record-setting heat.

Jan. 18, 2018

In the 48 states of the continental United States, May and July reached record highs for those months. Around the world, the heat has created secondary problems. Some nuclear generating stations have had to shut down because the water they use for cooling became too warm. Increased demand for air conditioning, and use of fans, has been overtaxing power systems. Agriculture has been hard hit in many places from the heat. The impact of heat and drought on farms. In eastern El Salvador the corn crop has failed, as temperatures hit a record 107 degrees Fahrenheit, accompanied by drought, in some locations for up to up to 40 rainless days. Wheat production is expected to drop in many European counties this year, including in Britain, and Germany, while in Sweden, record-high temperatures have parched fields, causing farms to try to find fodder for their livestock.

Adaptive action is being undertaken by some national and local governments. In Melbourne, Australia, officials plan to plant more trees to cause local cooling, and absorb more carbon dioxide. In Ahmedabad, India roofs are being covered with reflective white paint, which is also being used on railway rails, to keep them from buckling under extreme heat in Switzerland. Agronomists are working to develop seeds for plants that will be better able to stand up to heat.


The question might sound like the prelude to a children’s joke. But for climate scientists, the answer has serious consequences.

Climate change is rapidly warming the world’s oceans, killing off aquatic organisms — like coral reefs and kelp forests — that anchor entire ecosystems. The warmer waters also cause sea levels to rise and make extreme weather events like hurricanes more destructive.

If scientists can more accurately measure the speed at which oceans are warming, they can better predict the future effects of climate change. And a study published Wednesday in the journal Nature suggests that oceans are warming far faster than the estimates laid out by the Intergovernmental Panel on Climate Change, the global organization for climate data.

The study, led by Laure Resplandy, a biogeochemical oceanographer at Princeton University, found that between 1991 and 2016 the oceans warmed an average of 60 percent more per year than the panel’s official estimates.

In October, the panel released a major report predicting that some of the worst effects of climate change, including coastal flooding, food shortages and a mass die-off of coral reefs, could come to pass as soon as 2040 if human greenhouse gas emissions continue at current levels. The I.P.C.C. report showed that scientists may have been underestimating the severity of the world’s present climate trajectory.
The new ocean temperature estimates, if proven accurate, could be another indication that the global warming of the past few decades has exceeded conservative estimates and has been more closely in line with scientists’ worst-case scenarios.

The researchers used a new approach that derived ocean temperatures by measuring the levels of carbon dioxide and oxygen in the atmosphere.” The amount of these gasses the ocean can dissolve varies with the temperature.

There are some caveats. This is a novel approach, and it is unclear if it will hold up to further scrutiny. Kevin E. Trenberth, a senior scientist in the Climate Analysis Section at the National Center for Atmospheric Research, noted that the methodology works best over long periods of time but does not detail what happens year to year.”

Pakalolo, "Arctic’s strongest sea ice breaks up for the first time on record," Daily Kos, August 21, 2018, https://www.dailykos.com/stories/2018/8/21/1789742/-Arctic-s-strongest-sea-ice-breaks-up-for-the-first-time-on-record?detail=emaildkre, reported, "Arctic sea ice works as the planet’s air conditioner in that it keeps the polar regions cold and helps keep the global climate stable, according to the NSIDC. Sea ice has a bright white surface so that nearly 80% of the sunlight that strikes it is reflected back into space. When sea ice melts, it exposes the darker ocean surface. The dark water does not reflect solar energy but instead absorbs 90% of the sunlight while heating the ocean and causing Arctic temperatures to rise further. In climate science, this is called the albedo effect, and, it is a vicious feedback loop that should scare the bejeebus out of people.

The Arctic Ocean’s thickest and oldest sea ice is located to the north of Greenland and in the Canadian Archipelago. The seawater in this area is frozen, even in the summer. The media has reported, without mentioning climate change of course, on this freakish weather year with records that have been broken for heat waves, floods, droughts, and wildfires in the world’s temperate zones; it also broke records in the Arctic, the fastest warming region on Earth. In an ominous sign of biosphere collapse, The Guardian reports that these frozen waters have been opened up not once, but twice so far this year due to warm winds (that tear the ice from where it’s fastened at the coastal bedrock) as well as climate change driven heatwaves in the northern hemisphere. This has never happened before and prompted Thomas Lavergne, a scientist at the Norwegian Meteorological Institute in a retweet to describe the phenomenon as 'scary.'"

Brad Plumer “Can We Grow More Food on Less Land? We’ll Have To, a New Study Finds," The New York Times, December 5, 2018, https://www.nytimes.com/2018/12/05/climate/agriculture-food-global-warming.html, reported, “If the world hopes to make meaningful progress on climate change, it won’t be enough for cars and factories to get cleaner. Our cows and wheat fields will have to become radically more efficient, too.

That’s the basic conclusion of a sweeping new study issued Wednesday by the World Resources Institute, an environmental group. The report warns that the world’s agricultural system will need drastic changes in the next few decades in order to feed billions more people without triggering a climate catastrophe.

The challenge is daunting: Agriculture already occupies roughly 40 percent of the world’s land and is responsible for about a quarter of humanity’s greenhouse gas emissions. But with the global population expected to grow from 7.2 billion people today to
nearly 10 billion by 2050, and with many millions of people eating more meat as incomes rise, that environmental impact is on pace to expand dramatically.”


The report, which was mandated by Congress and made public by the White House, is notable not only for the precision of its calculations and bluntness of its conclusions, but also because its findings are directly at odds with President Trump’s agenda of environmental deregulation, which he asserts will spur economic growth.”

“But in direct language, the 1,656-page assessment lays out the devastating effects of a changing climate on the economy, health and environment, including record wildfires in California, crop failures in the Midwest and crumbling infrastructure in the South. Going forward, American exports and supply chains could be disrupted, agricultural yields could fall to 1980s levels by midcentury and fire season could spread to the Southeast, the report finds.”

The health consequences of warming include the spread of tropical diseases as climate change brings the insects that carry them further north. Heat stroke and other maladies from working or being too long in overly hot conditions will also rise in the warmer areas of the United States from late spring to early fall.

“Fourth National Climate Assessment, volume II: Impacts, Risks, And Adaptation In The United States: The National Climate Assessment (NCA) assesses the science of climate change and variability and its impacts across the United States, now and throughout this century,” is available at: https://nca2018.globalchange.gov. It shows not only the dangers from global warming, but what needs to be done in the way of hardening coastlines, rebuilding sewer systems and overhauling farming practices to protect against floods, wildfires and heat waves that are already causing havoc nationwide. Even if the U.S. and the world move quickly and strongly to reduce greenhouse gas emissions, it will take billions of dollars to make the necessary adjustments, and to the extent the adaptations are not made, the damage will be more expensive – to say nothing of the human cost. The less rapid and strong steps are taken, the greater the financial cost to adapt – which simply cannot be accomplished if sufficient reductions of warming emissions are not accomplished across the world.

But there’s a catch: The global march toward clean energy still isn’t happening fast enough to avoid dangerous global warming, at least not unless governments put forceful new policy measures in place to reduce carbon dioxide emissions.

That’s the conclusion of the International Energy Agency, which on Monday published its annual World Energy Outlook, a 661-page report that forecasts global energy trends to 2040. These projections are especially difficult right now because the world’s energy markets, which usually evolve gradually, are going through a major upheaval.”

At first glance, some nations, such as those of Western Europe and the U.S., appear to be making headway in reducing carbon emissions. But when one considers that these nations have in effect exported much of their carbon pollution by importing more steel and cement, their improvements are seen, in fact, to be much less than officially announced (Brad Plumer, "Trailing Carbon footprints Across Borders," The New York Times, September 9, 2018).


More than 40 governments around the world, including the European Union and California, have now put a price on carbon, either through direct taxes on fossil fuels or through cap-and-trade programs. But many of them have found it politically difficult to set a price high enough to spur truly deep reductions in carbon emissions.”

Jessica Corbett, "As UN Report Warns of Looming Climate Catastrophe, 13 Stories From Front Lines of Fight for Fossil-Free Future: The collection shows readers why we should all care more for this existential fight, and how each one of us can make the difference, not only through personal choices, but joining others, building grassroot movements from the ground up,,” October 08, 2018, https://www.commondreams.org/news/2018/10/08/un-report-warns-looming-climate-catastrophe-13-stories-front-lines-fight-fossil-free?cd-origin=rss&utm_term=As%20UN%20Report%20Warns%20of%20Looming%20Climate%20Catastrophe%2C%2013%20Stories%20From%20Front%20Lines%20of%20Fight%20for%20Fossil-Free%20Future&utm_campaign=UN%20Experts%20Warn%20of%20Climate%20Catastrophe%27%20by%202040%20Without%20Global%20Action%27%20C%20News%20%2526%20Views&utm_content=email&utm_source=Daily%20Newsletter&utm_medium=Email&cm_mmc=Act-On%20Software--_--_--UN%20Experts%20Warn%20of%20Climate%20Catastrophe%27%20by%202040%20Without%20Global%20Action%27%20C%20News%20%2526%20Views--,-As%20UN%20Report%20Warns%20of%20Looming%20Climate%20Catastrophe%2C%2013%20Stories%20From%20Front%20Lines%20of%20Fight%20for%20Fossil-Free%20Future,
reported, "As the United Nations' Intergovernmental Panel on Climate Change (IPCC) on Monday put out a report that warns, 'If the current warming rate continues, the world would reach human-induced global warming of 1.5°C (2.7°F) around 2040,' 350.org released a compilation of stories from 13 communities 'fighting against fossil fuel projects and for a fast and just transition to 100 percent renewable energy.'

'With a planet barely 1°C warmer than pre-industrial times, we are witnessing a chain of catastrophic climate-related extremes all over the globe. If we want to avoid even more dramatic impacts, we have to stay under a 1.5°C increase in global mean temperatures,' 350.org program director Payal Parekh writes in The People's Dossier on 1.5°C (pdf).

After outlining why 'scientists say we must stop global warming now,' the dossier details a collection of stories that, as Parekh explains, 'shows readers why we should all care more for this existential fight, and how each one of us can make the difference, not only through personal choices, but joining others, building grassroot movements from the ground up.'

The Arctic
As the Arctic warms more quickly than the rest of the world, the Saami people inhabiting regions of Finland, Norway, Russia, and Sweden face a variety of issues with herding reindeer, which they use for transportation and food. While melting ice sheets and deforestation pose threats, the report also points out that large energy projects do as well—such as hydropower dams and wind farms on reindeer grazing land, providing 'a stark reminder that clean energy solutions need to be implemented taking into account the needs of the ecosystem and of the local communities.'

Brazil
Ceará, a state in northeastern Brazil, has been enduring its longest drought in recorded history since 2010, and water scarcity has devastated local agriculture and fishery. 'With the reservoirs of the hydroelectric plants—the country's main source of electricity—empty and for lack of investments in other renewable energy sources, the government has to activate the fossil fuel-fired thermoelectric plants.' These dirty energy plants also require water, and extraction from supposedly protected areas have led to conflicts with indigenous groups in the region.

Canada
Faced with mounting opposition from indigenous communities and environmental groups, fossil fuel giant Kinder Morgan sought to bail on the Trans Mountain tar sands pipeline—and much to the frustration of local opponents, sold it off to the Canadian government. 'Despite increasingly dangerous climate impacts and strong public opposition, the government of Canada continues to promote and expand tar sands expansion—Canada's fastest growing source of emissions and a fossil fuel reserve that, if fully exploited, could burn up nearly a quarter of the entire world's remaining carbon budget for the 1.5°C threshold,' the report warns.

Italy
Residents of Salento, a southern region of Italy, are fighting against the Trans Adriatic Pipeline (TAP), which, as the report notes, 'would come onshore in the beautiful seaside town of San Foca, Puglia.' Facing off against the Italian government and European Commission, locals are organizing peaceful protest of TAP, which they fear will "damage and pollute the local landscape, coastline, and clear blue waters." The project would also contribute to planet-warming emissions, which force up global temperatures that are already endangering "olive groves and grapes that have shaped the Salento region over thousands of years."

Japan
In the historic city of Kobe—designated one of the most susceptible in the world to sea level rise—activists are working to quash plans to build two large-scale coal power plants. The steel manufacturer trying to construct the plants, the report points out, 'has a notorious history when it comes to air pollution.' Critics of the plants have turned to the courts, citing concerns about air pollution and climate change, in an efforts to stop them.

**Kenya**

Residents of Lamu Old Town—which 'is one of the oldest and best preserved Swahili settlements in East Africa, and was designated a UNESCO world heritage site in 2001—are working to prevent the construction of a giant coal plant that they fear would harm the region's most vital industries, fishing and tourism, and displace some 120,000 people. Community members have pursued a court battle, arguing that the economic, environmental, and health impacts weren't adequately considered when the government approved plans for the plant.

**Oceana**

Pacific Islander and Australian activist have teamed up to take on the the Carmichael coal mine project, a proposal by the Indian fossil fuel company Adani that would entail shipping millions of ton of coal through the Great Barrier Reef, which is already significantly impacted by rising ocean temperatures. 'To build and run its proposed Carmichael coal mine,' the report notes, 'Adani also wants to extract a billion liters of water per year from a river in drought-stricken central Queensland for decades to come.'

**The Philippines**

Led by the Our Lady of the Angels parish, residents of Atimonan, Quezon are fighting plans to construct a coal plant in a vulnerable coastal area. 'While trying to block the construction of this giant coal power plant, the community has been eager to implement solutions to energy needs that offer an alternative path to energy independence for the region,' the report notes, pointing out that the parish has installed rooftop solar panels "to power their church, convent, and the park outside the parish.'

**Senegal**

'The sleepy town of Barngy, Senegal, is one of the country's most vulnerable to coastal erosion,' the report explains. Its residents are also battling pollution from a nearby cement plant as well as plans for a new coal plant that would pose a local public health and environmental threat. Members of the community have organized in opposition to the plant since 2014, including a mass demonstration at COP21 in Paris. 'They want to get it up and running this month, but we're gonna do everything we can to stop it,' said local activist Fadel Wade.

**Thailand**

Women's groups, academics, community members, and environmental and civil society groups in Pattani Bay, southern Thailand have come together to oppose a proposed coal power plant that would endanger a bay and force hundreds of families to relocate. 'Women play a significant role in the local fishing industry and rely on Pattani Bay for nutrient-rich foods to feed their families,' the report explains. In addition to the pollution threats this plant poses to the region, Thailand at large is facing more extreme weather events that scientists have tied to the global climate crisis.

**United States: California**

As their state is devastated by increasingly dangerous wildfires, residents of California repeatedly have called on Democratic Gov. Jerry Brown to match his lofty rhetoric on climate action with actual policy changes, and completely end all fossil fuel extraction across the state.
Amid mounting pressure by residents and activists, state lawmakers passed legislation that aims to transition the energy grid to 100 renewable sources by 2045.

**United States: Louisiana**

While coastal communities across southern Louisiana are increasingly threatened by rising sea level, activists are fighting to block the Bayou Bridge pipeline, which could cut across vital regional wetlands. Opponents of the project created the L'eau Est La Vie and continue to peacefully protest in spite of a recent state law pushed through by right-wingers that aims to criminalize actions that interfere with 'critical infrastructure' such as fossil fuel pipelines. In addition, as the report notes, 'Louisiana is one of the hardest hit regions of the United States when it comes to climate impacts such as intense hurricanes, which have devastated in particular low-income communities, people of color, and other vulnerable population.'

**United States: Montana and the Dakotas**

Advocates of clean energy continue to battle the use and development pipelines from the Alberta tar sands, including Keystone XL (KXL). The resistance to Keystone XL is being led by indigenous groups, farmers, landowners, and climate activists in the United States and Canada, and has seen creative actions such as the installation of solar arrays along the pipeline's proposed route.

'The weight of the climate crisis falls on those who have the least to do with creating and perpetuating it.'

— The People's Dossier on 1.5°C

Around the world, as the report notes, 'the weight of the climate crisis falls on those who have the least to do with creating and perpetuating it, including indigenous communities, climate vulnerable countries, low-income communities of color, and the poorest communities bearing the brunt of fossil fuel extraction, overburdened with unsafe and unfair levels of exposure to pollution.'

Thus, it asserts, 'tackling the climate crisis requires building a new economy that works for all and leaves no one behind.'

In addition to explaining the threat the human-caused warming poses to the planet and those who inhabit it, and highlighting 13 communities fighting for a transition to clean energy, the dossier charges that in order limit warming to 1.5°C by the end of the century—the goal of the Paris agreement—the international community must halt all new fossil fuel projects, stop investing in dirty energy companies and projects, and 'dramatically accelerate the transition to 100 percent, locally distributed, renewable energy systems.'

'Real climate action,' according to the report, means:

Building decentralized renewable energy infrastructure that serves everyone's needs and doesn't just replace a big plant with another, excluding workers, citizens, farmers and wildlife;

Addressing energy poverty by making leapfrogging to renewable, clean energy accessible for the many in the global South, for instance through investments in off-the-grid small scale renewable energy;

That workers in the fossil fuel industry are given a chance to be part of the energy revolution;

No swapping of one fossil fuel for another; and Jobs, innovation, and opportunities are possible with a low-carbon transition.

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Eric Reynolds has started a company in Rwanda to eliminate most of the disease causing smoke from cooking with charcoal in much of rural Sub-Saharan Africa and lowering carbon emissions by selling much cleaner burning wood pellet stoves. This will also save trees, as much less wood is needed to make the pellets, which include saw dust and small wood pieces not usable for making charcoal (Peter S. Goodman, "Toxic Smoke Is Africa’s Quiet Killer. An Entrepreneur Says His Fix Can Make a Fortune," The New York Times, December 6, 2018, https://www.nytimes.com/2018/12/06/business/rwanda-charcoal-pellet-stoves.html).

Eric C. Evarts, “Gas stations OK, electric-car chargers too ugly?,” Green Car Reports, November 22, 2018, https://www.greencarreports.com/news/1120070_gas-stations-ok-electric-car-chargers-too-ugly, reported, “Delays in rolling out new electric-car charging infrastructure may not just be about economics. Aesthetics may be holding back installations in some places too, according to the manager of electric-car sharing company Zipcar in Britain.

Jonathan Hampson, general manager for Zipcar in the United Kingdom told the Sunday Times that local political leaders are holding up permits for new rapid-charging installations over concerns that they’re too ugly.

Last year the London government earmarked about $5.8 million to install Level 2 chargers on street-lights in 25 London boroughs, and charging networks have committed to installing thousands more fast chargers in the next few years. Installations, however, are falling behind.

“Only a fraction of what we were told would be installed have been put in,” he said, “and it’s really because, between the boroughs and City Hall they haven’t reached agreement on where they should go; how they’re going to be put in. The boroughs don’t want them on their land because they perceive them to be ugly.”


Abstract

Limiting climate warming to <2°C requires increased mitigation efforts, including land stewardship, whose potential in the United States is poorly understood. We quantified the potential of natural climate solutions (NCS)—21 conservation, restoration, and improved land management interventions on natural and agricultural lands—to increase carbon storage and avoid greenhouse gas emissions in the United States. We found a maximum potential of 1.2 (0.9 to 1.6) Pg CO2e year−1, the equivalent of 21% of current net annual emissions of the United States. At current carbon market prices (USD 10 per Mg...
CO2e), 299 Tg CO2e year−1 could be achieved. NCS would also provide air and water filtration, flood control, soil health, wildlife habitat, and climate resilience benefits.”

This is equivalent to all the CO2 produced by automobiles in the U.S.


Increasingly, for Chancellor Angela Merkel it is a question of waver ing political will in the face of mounting challenges, including from the far right, in eastern regions where a bulk of those jobs would be lost.”

Kendra Pierre-Louis, "The Bugs Are Coming, and They’ll Want More of Our Food: Climate change is expected to make insect pests hungrier, which could encourage farmers to use more pesticides," The New York Times, August 30, 2018, https://www.nytimes.com/2018/08/30/climate/insects-eating-more-crops.html?ref=collection%2Fissuecollection%2Ftoday%2Ftoday%2Ftoday%2Fnew-york-times&action=click&contentCollection=today%2Ftoday%2Ftoday%2Fnew-york-times&highlight=collection%2Fissuecollection%2Ftoday%2Ftoday%2Fnew-york-times&pgtype=collection, reported, "Ever since humans learned to wrest food from soil, creatures like the corn earworm, the grain weevil and the bean fly have dined on our agricultural bounty. Worldwide, insect pests consume up to 20 percent of the plants that humans grow for food, and that amount will increase as global warming makes bugs hungrier, according to a study published Thursday in the journal Science.

That could encourage farmers to use more pesticides, which could cause further environmental harm, scientists said."

curb the threat of human-caused global warming, a group of scientists are urging world leaders to take immediate action to stop deforestation—calling it a key solution to stem the planetary climate crisis.

Forty scientists from five countries signed a statement days before the UN Intergovernmental Panel on Climate Change (IPCC) is scheduled to meet in South Korea, warning that stopping deforestation is as urgent as ending the world's dependence on fossil fuels.

‘We must protect and maintain healthy forests to avoid dangerous climate change and to ensure the world's forests continue to provide services critical for the well-being of the planet and ourselves,’ the statement read. ‘Our message as scientists is simple: Our planet's future climate is inextricably tied to the future of its forest.’

Because forests absorb about a quarter of the carbon released by human activity, the elimination of forests and jungles around the world would release more than three trillion tons of carbon dioxide into the atmosphere—more than the amount that could be released from all of the world's oil, gas, and coal reserves.

‘The forest piece of the conversation is often lost and I don't think the IPCC report will highlight it enough,’ Deborah Lawrence, a professor at the University of Virginia who signed the statement, told The Guardian.

Deforestation represents a vicious cycle in the fight against the climate crisis. As the burning of fossil fuels leads to a warmer planet, changes in the climate have had multiple effects including wildfires like the ones that have swept through Europe and the U.S. in recent months, contributing to more deforestation which then releases more carbon.

‘We will have a hotter, drier world without these forests’ Lawrence told The Guardian. ‘There needs to be an international price on carbon to fund the protection of forests.’

The IPCC is scheduled to meet Monday.

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Sher Watts Spooner, “Rising Arctic temperatures triggering alarms about climate change,” Daily Kos, November 11, 2018, https://www.dailykos.com/stories/2018/11/11/1810444/-Rising-Arctic-temperatures-triggering-alarms-about-climate-change?detail=emaildkre, reported on the earth-wide implications of drastically rising temperatures in the Arctic – twice as fast as elsewhere – from global warming. “Last year’s temperatures in the Arctic were the warmest on record. “Of nearly three dozen different Arctic weather stations, 15 of them were at least 10F (5.6C) above normal for the winter,” said a story in The Guardian.”

“The rest of the world will feel the consequences of warmer winters in the Arctic soon enough. Some of those consequences will be rising sea levels from melting glaciers and ice caps, which could be catastrophic for the millions of people living in low-lying areas, especially in Asia; increased release of trapped carbon dioxide and methane gas into the atmosphere as permafrost thaws; less salinity in seawater, causing a change in ocean currents; changes in precipitation patterns; and greater likelihood of extreme weather throughout the Northern hemisphere.”

“Among the species affected by warming Arctic temperatures, many of which depend on Arctic Ocean sea ice cover to survive: polar bears, which could face starvation and reproduction problems by the year 2100, as thinning sea ice isn’t strong enough to sustain their weight; walruses, which are forced to come ashore and can’t find food; and caribou, which have
less lichen to feed on. As the seas grow warmer, fish are moving north, which poses a risk for commercial and subsistence fishing.

What about the species Homo sapiens? As air over the Arctic warms up, it pushes frigid air south, and we all feel it in extreme weather.”


Scientists from around the world issued a stark warning to humanity Tuesday in a semi-annual report on the Earth's declining biodiversity, which shows that about 60 percent of mammals, birds, fish, and reptiles have been wiped out by human activity since 1970.

‘What is increasingly clear is that human development and wellbeing are reliant on healthy natural systems, and we cannot continue to enjoy the former without the latter.” — World Wildlife Fund

The World Wildlife Fund's Living Planet Index details how human's uncontrolled overconsumption of land, food, and natural resources has eliminated a majority of the wildlife on the planet—threatening human civilization as well as the world's animals.

‘We are sleepwalking towards the edge of a cliff’ Mike Barrett, executive director of science and conservation at WWF, told the Guardian. ‘If there was a 60 percent decline in the human population, that would be equivalent to emptying North America, South America, Africa, Europe, China, and Oceania. That is the scale of what we have done.’

Killer whales were named as one species that is in grave danger of extinction due to exposure to chemicals used by humans, and the Living Index Report highlighted freshwater species and animal populations in Central and South America as being especially affected by human activity in the past five decades.

‘Species population declines are especially pronounced in the tropics, with South and Central America suffering the most dramatic decline, an 89 percent loss compared to 1970,’ reads the report. ‘Freshwater species numbers have also declined dramatically, with the Freshwater Index showing an 83 percent decline since 1970.’

 Destruction of wildlife habitats is the leading human-related cause of extinction, as people around the world are now using about three-quarters of all land on the planet for agriculture, industry, and other purposes, according to the report.

Mass killing of animals for food is the second-largest cause of extinction, according to the report, with 300 mammal species being 'eaten into extinction.'
‘It is a classic example of where the disappearance is the result of our own consumption,’ Barrett told the Guardian.

The report stresses a need to that shift away from the notion that wildlife must be protected simply for the sake of ensuring that future generations can see species like elephants, polar bears, and other endangered animals in the wild.

Rather, the survival of the planet's ecosystems is now a matter of life and death for the human population, according to the WWF.

‘Nature contributes to human wellbeing culturally and spiritually, as well as through the critical production of food, clean water, and energy, and through regulating the Earth's climate, pollution, pollination and floods,’ Professor Robert Watson, who contributed to the report, told the Guardian. ‘The Living Planet report clearly demonstrates that human activities are destroying nature at an unacceptable rate, threatening the wellbeing of current and future generations.’

‘Nature is not a 'nice to have'—it is our life-support system,’ added Barrett.

Many scientists believe that studies like that of the WWF demonstrate that a sixth mass extinction is now underway—a theory that would mean the Earth could experience its first mass extinction event caused by a single species inhabiting the planet. The loss of all life on Earth could come about due to a combination of human-caused effects, including a rapidly warming planet as well as the loss of biodiversity.

"The Great Acceleration, and the rapid and immense social, economic and ecological changes it has spurred, show us that we are in a period of great upheaval,’ reads the study. ‘Some of these changes have been positive, some negative, and all of them are interconnected. What is increasingly clear is that human development and wellbeing are reliant on healthy natural systems, and we cannot continue to enjoy the former without the latter.'

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Paleontologist and lead researcher Matt Davis of Denmark's Aarhus University warned, 'We are starting to cut down the whole tree of life, including the branch we are sitting on right now.'
'We are doing something that will last millions of years beyond us,' Davis told the Guardian. 'It shows the severity of what we are in right now. We're entering what could be an extinction on the scale of what killed the dinosaurs.'

The analysis, published Monday in the Proceedings of the National Academy of Sciences, specifically focused on mammals that currently exist as well as those which went extinct as humans spread across the globe, but it provides insight on the broader biodiversity crisis. It adds to a growing body of recent research that has warned of imminent mass extinction driven by unsustainable human activity, the climate crisis, and inadequate conservation efforts.

Even under the best circumstances, with dramatic improvements to current conservation work, the new analysis posited it will take 3-5 million years "just to diversify enough to regenerate the branches of the evolutionary tree that they are expected to lose over the next 50 years. In addition, the study found it could take 5-7 million years "to restore biodiversity to its level before modern humans evolved," according to a statement outlining the findings.

The degree of biodiversity loss over the next five decades will be significantly influenced by the changes to current human behaviors, or lack thereof—but the impact of losing species can vary greatly.

'Large mammals, or megafauna, such as giant sloths and saber-toothed tigers, which became extinct about 10,000 years ago, were highly evolutionarily distinct. Since they had few close relatives, their extinctions meant that entire branches of Earth's evolutionary tree were chopped off,' Davis explained. Today, meanwhile, 'there are hundreds of species of shrew, so they can weather a few extinctions.'

While Davis said that 'we have no reason to assume we will ever be able to bring extinction rates back down to normal background levels,' he pointed out that the new research 'highlights species we should try to save and could help us prioritize conservation.'

'We once lived in a world of giants: giant beavers, giant armadillos, giant deer, etc., we now live in a world that is becoming increasingly impoverished of large wild mammalian species. The few remaining giants, such as rhinos and elephants, are in danger of being wiped out very rapidly,' noted Jens-Christian Svenning from Aarhus University.

The team determined that species which could benefit from extra conservation efforts now—before it's too late to save them—include the black rhino, the red panda, and the indri. As Davis concluded, "It is much easier to save biodiversity now than to re-evolve it later.'

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One of the most disturbing articles ever read, reported, "When a scientist who studies the essential role insects play in the health of the ecosystem calls a new study on the dramatic decline of bug populations around the world 'one of the most disturbing articles' he's ever read, it's time for the world to pay attention.

The article in question is a report published Monday in the Proceedings of the National Academy of Sciences (PNAS) showing that in addition to annihilating hundreds of mammal species, the human-caused climate crisis has also sparked a global 'bugpocalypse' that will only continue to accelerate in the absence of systemic action to curb planetary warming.

'This study in PNAS is a real wake-up call—a clarion call—that the phenomenon could be much, much bigger, and across many more ecosystems,' David Wagner, an invertebrate conservation expert at the University of Connecticut, said in response to the new report. 'This is one of the most disturbing articles I have ever read.'

Authored by Bradford Lister of Rensselaer Polytechnic Institute and Andres Garcia of National Autonomous University of Mexico, the study found that [arthropods, invertebrates including insects that have external skeletons, are declining at an alarming rate.]

'We compared arthropod biomass in Puerto Rico's Luquillo rainforest with data taken during the 1970s and found that biomass had fallen 10 to 60 times, the researchers write. 'Our analyses revealed synchronous declines in the lizards, frogs, and birds that eat arthropods. Over the past 30 years, forest temperatures have risen 2.0 °C, and our study indicates that climate warming is the driving force behind the collapse of the forest's food web. If supported by further research, the impact of climate change on tropical ecosystems may be much greater than currently anticipated.'

As the climate crisis intensifies, Lister and Garcia continued, 'the frequency and intensity of hurricanes in Puerto Rico are expected to increase, along with the severity of droughts and an additional 2.6–7 °C temperature increase by 2099, conditions that collectively may exceed the resilience of the rainforest ecosystem."

'Holy crap,' Wagner of the University of Connecticut told the Washington Post when he learned of the 60-fold drop of bug populations in Puerto Rico's Luquillo rainforest. 'If anything, I think their results and caveats are understated. The gravity of their findings and ramifications for other animals, especially vertebrates, is hyperalarming.'

The latest disturbing evidence of the destruction the climate crisis is inflicting across the globe comes just a week after the Intergovernmental Panel on Climate Change (IPCC) warned that the world must cut carbon emissions in half by 2030 in order to avert global catastrophe as soon as 2040.

'Unfortunately, we have deaf ears in Washington," concluded Louisiana State University entomologist Timothy Schowalter, who has studied the Luquillo rainforest for decades. This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License."

CSO Equity Review Group, "After Paris: Inequality, Fair Shares, and the Climate Emergency," CIDSE.Org, December 2018, https://www.cidse.org/publications/climate-justice/after-paris-inequality-fair-shares-and-the-climate-emergency.html, available as a pdf, reports that a major barrier to limiting global warming and the climate change it produces is the financial inequality in the world. If is no accident that several of the richest nations, each having very wealthy elites benefiting from fossil fuel production, are major barriers to the
necessary rapid moves to limit global warming. They are the U.S., Russia, Saudi Arabia, and Kuwait. Wide popular support for limiting climate change can be garnered, but only if people everyone, including the wealthy are doing their share in the effort.


Under the new draft law, Spain aims to draw at least 70 percent of its power from renewable sources by 2030 and cut greenhouse gas emissions by 20 percent from 1990 levels. By 2050, the nation would rely solely on sustainable sources and cut emissions by as much as 90 percent.

Over the next decade, the government would install at least 3,000MW of solar and wind power capacity annually. Most of the country's coal mines would be shut down with "just transition" contracts for workers featuring early retirement programs and training initiatives for clean energy jobs.

After 2040, the proposed legislation would end government subsidies and exploration permits for fossil fuels; outlaw fracking; and bar automakers from selling vehicles that run on gasoline or diesel.

European Climate Foundation CEO Laurence Tubiana, who called the measure "groundbreaking," said that "by planning on going carbon neutral Spain shows that the battle against climate change is deadly serious, that they are ready to step up, and plan to reap the rewards of decarbonization."

Spain's proposal is more ambitious than what's mandated by the European Union. As EURACTIV reports:

"The draft law also reveals that Madrid is keen to go beyond the targets adopted under the E.U.’s clean energy package, a set of new and updated laws that will govern important aspects of energy and climate policy through the next decade. Earlier this year, MEPs, national representatives, and Commission officials agreed that member states will have to contribute to an E.U.-wide target of 32 percent for renewable energy generation and 32.5 percent for energy efficiency uptake."
But in keeping with its refreshed progressive approach to ecological transition, the draft legislation wants to meet a 35 percent target for both renewables and energy efficiency.”

Christiana Figueres, a former executive secretary of the U.N.'s framework convention on climate change (UNFCCC), said, ‘The draft Spanish climate law is an excellent example of the implementation of the Paris agreement: it sets a long-term goal, provides incentives on scaling up zero emission technologies, and cares about a good transition for the workforce.’

To move forward, though, the measure will need the support of Spanish lawmakers—and as Bloomberg noted, ‘With 84 Socialist deputies in Spain's 350-seat parliament, the government of Prime Minister Pedro Sánchez needs to build cross-party alliances to get major legislation passed.’

With this draft legislation, Sánchez, who took office earlier this year, is trying to make good on his promise to step up Spain's transition to renewable energy to battle anthropogenic global warming.

The climate crisis is ‘the biggest challenge we face globally,’ Sánchez reportedly said Sunday, and the international community must ‘act with urgency and determination’ to adequately address it.

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Oliver Milman, "Flooding from high tides has doubled in the US in just 30 years: Shoreline communities may be inundated in the next two years as ocean levels rise amid serious climate change concerns," The Guardian, Wed 6 June 2018, https://www.theguardian.com/us-news/2018/jun/06/flooding-from-high-tides-has-doubled-in-the-us-in-just-30-years, reported, "The frequency of coastal flooding from high tides has doubled in the US in just 30 years, with communities near shorelines warned that the next two years are set to be punctuated by particularly severe inundations, as ocean levels continue to rise amid serious global climate change concerns."

Oil Change International reported, July 11, 2018, in an E-mail, that in this July: "All-time heat records have been broken all across the planet this month, and the impacts are growing more dangerous. Los Angeles hit a record 111 degrees on Friday. Montreal hit 97.9 degrees on July 2nd, as part of a heat wave that caused 70 deaths. This week, historic rains in Japan, no doubt worsened by climate change, have caused floods and landslides — and 179 people are dead. More information: "Japanese PM to meet flood evacuees as death toll rises to 179," The Guardian, 07-11-2018; "Estimated 70 Deaths Linked To Canada's Heat Wave," NPR, 07-10-2018; "Red-hot planet: All-time heat records have been set all over the world during the past week,” Washington Post, 07-05-2018; "Oil 'is killing us.' Activists call on Jerry Brown to halt California drilling," Sacramento Bee, 04-11-2018; "Jerry Brown's work to seal his climate legacy is only half done," The Los Angeles Times, 04-11-2018."

even hotter, scientists and economists are warning of a quieter, more far-reaching danger: Extreme heat is devastating the health and livelihoods of tens of millions more.

If global greenhouse gas emissions continue at their current pace, they say, heat and humidity levels could become unbearable, especially for the poor.

It is already making them poorer and sicker."

Early July 2018 brought record day time high temperatures across the United States. But night time temperatures have also been rising, with night time lows the hottest on record in many places giving people less respite from day time heat. This is an increasing long-term trend (Kendra Pierre-Louis and Nadja Popovich, "Records Show Those Hot Sticky Summer Nights Keep Getting Stickier," The New York Times, July 12, 2018).


With rescue workers still clearing out debris after deadly floods that hit western Japan this month, the heat blanketed a large part of the country, turning 2018 into a summer of environmental misery.

Already, 21 people have died from heatstroke in Japan, according to the Fire and Disaster Management Agency, while thousands more have been taken to hospitals for heat-related reasons, with no relief in sight for the rest of the week."

Julia Conley, "As Wildfires Rage and Heat Records Broken Worldwide, Corporate Media Urged to Cover Climate Crisis' Link to Extreme Weather: 'Sure would be nice if our news networks—the only outlets that can force change in this country—would cover it with commensurate urgency. Acting as if there's nothing to be done is not excusable."

Climate scientists sounded alarms on Tuesday as reports circulated of extreme weather and record-breaking high temperatures all over the globe, with dozens of deaths and thousands of hospitalizations reported in some countries—while one journalist with a
major platform on corporate cable news admitted the news media's failure to give serious attention to the link between the climate crisis and such events.

On social media, climate action groups and advocates catalogued the overwhelming number of fires, droughts, floods, and heatwaves that have been exacerbated by the climate crisis in recent days and weeks.


Nowhere will be unaffected. We must work to engineer adaptations & provide solutions. #climatechange is our greatest nat sec threat.

In Greece, today, people are jumping into the ocean to escape rapidly advancing wildfires.

So far, this is Greece's hottest year on record.

Also on Twitter, MSNBC's Chris Hayes re-tweeted meteorologist Eric Holthaus's post about Greece's wildfires, prompting journalist Elon Green to reply, 'Sure would be nice if our news networks—the only outlets that can force change in this country—would cover it with commensurate urgency. Acting as if there's nothing to be done is not excusable.'

Hayes offered an honest response, writing, 'Every single time we've covered it's been a palpable ratings killer. So the incentives are not great.'

The reply prompted several followers to urge Hayes and other journalists in the corporate media to cover the climate crisis, its implications for the increasingly extreme weather that major news networks often report on, and how politicians like President Donald Trump, Interior Secretary Ryan Zinke, and many others exacerbate the issue by aligning themselves with the interests of fossil fuel industries.

Greek Interior Minister Panos Skourletis called the wildfires that have killed at least 74 people 'a biblical disaster' in an interview with Sky News. The fires began late Monday afternoon near Athens, and have injured nearly 200 and sent thousands of people racing toward the Aegean Sea to escape in boats, makeshift rafts, and even by swimming.

Entire towns have been wiped out by the blazes, which have been made worse by a recent drought and heatwaves that have sent temperatures into the hundreds.

In Japan, at least 65 people have been killed in the past week by an 'unprecedented' heatwave, according a weather agency spokesperson. Temperatures as high as 106 degrees have sent more than 22,000 people to hospitals—more than any other year since the country began recording cases of heatstroke in 2008.

In southern Laos, hundreds of people went missing on Monday after flooding caused by heavy rains resulted in a collapsed dam. Thousands of homes were destroyed and an untold number of people were killed as the equivalent of two million Olympic swimming pools of water burst into several villages.

And in northern Sweden, above the Arctic Circle, more than 50 wildfires have raged in the past several days, forcing dozens of people to evacuate their homes.

The climate action group Friends of the Earth noted that record-breaking high temperatures have been recorded in a number of other regions and cities in recent days, including the United Kingdom; Ottawa, Canada; Southern California; Ouargla, Algeria; Tbilisi, Georgia; and Sydney, Australia.

'There is no doubt that the prolonged extreme temperatures and floods we are witnessing around the world right now are a result of climate change,' said Caroline Rance, climate campaigner for Friends of the Earth Scotland. 'Temperature records are being broken
across the U.K. and globally, exactly as climate science has long warned, and with devastating consequences.'

'This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License.'


The rising temperatures in south Asia are reaching the point where they are beginning to put some 800 million people at risk (Somini Sengupta, "Warming puts 800 Million people at Risk in South Asia," The New York Times, June 29, 2018).


In London, stores are running out of fans and air-conditioners. In Greenland, an iceberg may break off a piece so large that it could trigger a tsunami that destroys settlements on shore. Last week, Sweden’s highest peak, Kebnekaise mountain, no longer was in first place after its glacier tip melted.

Southern Europe is even hotter. Temperatures in Spain and Portugal are expected to reach 105-110 degrees Fahrenheit this weekend. On Saturday, several places in Portugal experienced record highs, and over the past week, two people have died in Spain from the high temperatures, and a third in Portugal."

Analysis of weather data shows that the further north one goes, the more extreme the weather, with the Arctic the fastest warming place on earth. Several cities and towns in Sweden, Norway and Finland suffered all-time record high temperatures, with some as far north as the Arctic circle experiencing temperatures in the 90s Fahrenheit. In Europe, not only was the weather hotter than normal over the summer of 2018, but, consistent with climate change, more erratic. France suffered a mix of violent thunderstorms, torrential rains and drought. Drought in the Netherlands, rather than rising oceans, was harmful to the countries system of dikes, as a result of insufficient fresh water to balance sea water. Many places in Europe suffered extreme water shortages this summer, and that combined with extreme heat has damaged trees in the Alps and elsewhere, while in Germany the heat caused some airport runways and other structures to buckle.

The change in climate has been found so far to have doubled the likelihood of extreme heat waves in Europe, and as global warming continues, so will the frequency of
heat waves and of other extreme weather. Currently, the percentage of Europeans facing extreme weather events has risen to 5%, but it could soon exceed 60%. Moreover, previously rare extreme high temperatures, such as those in the summer of 2003 European heat wave, that caused the deaths of at least 70,000 people on the continent, are predicted to be normal in summer by 2060. One quite visible sign of the change in climate in Europe is that for the first time one can see the melting of the Dachstein glacier causing it to shrink, as you stand there watching it.

It is now clear to many people in Europe that climate change is beginning to have impacts on everyday life, including diminishing parts of the economy, and changing long enjoyed traditions. One example is that popular barbecues were banned in public places in areas of Sweden because of the danger that they might start wild fires. In many places across Europe growing patterns are changing, reducing farming and gathering, while milk and meat cattle raising has become more difficult from reductions in water and feed. Meanwhile, the seas are rising, and will continue to rise for centuries - though with less acceleration in rise - if the world rapidly reduces greenhouse gas pollution to levels that will prevent the most catastrophic climate events.


In Myanmar, heavy flooding in eight states has killed at least 10 people since Friday and prompted the evacuation of more than 50,000, officials said."


The contiguous United States had its hottest month of May and the third-hottest month of June. Japan was walloped by record triple-digit temperatures, killing at least 86 people in what its meteorological agency bluntly called a 'disaster.' And weather stations logged record-high temperatures on the edge of the Sahara and above the Arctic Circle.

Is it because of climate change? Scientists with the World Weather Attribution project concluded in a study released Friday that the likelihood of the heat wave currently baking Northern Europe is 'more than two times higher today than if human activities had not altered climate.'
While attribution studies are not yet available for other record-heat episodes this year, scientists say there’s little doubt that the ratcheting up of global greenhouse gases makes heat waves more frequent and more intense."

Reports of particular events in the article are, "Ouargla, Algeria: 124°F on July 5;" "Hong Kong: Over 91°F for 16 straight days;" "Nawabshah, Pakistan: 122°F on April 30;" "Oslo: Over 86°F for 16 consecutive days;" "Los Angeles: 108°F on July 6."

With the world heating up, and bringing more extreme weather, 20% of the U.S. population now is at risk of extreme heat and flooding, and it will continue to get worse (John Bacon and Doyle Rice, "20% of Americans face extreme heat of floods," U.S.A. Today, July 25, 2018).

In New York State, dry hot weather reduced one typical farmer's corn yield by 20%, and then the deluge of rain damaged his spelt crop. Between climate related losses and Trump's tariffs, some farmers have been considering giving up farming (Tyler Pager, "Farmers Besieged by Trump Policies and Weather," The New York Times, August 23, 2018).

The pattern of global warming induced climate change causing more extreme storms, and for storms, including hurricanes, to be larger, staying longer over areas and causing worse flooding by longer periods of intense rain over very wide areas, was shown in the simultaneous hurricanes hitting the U.S. East Coast, the Philippines and China.

A particularly strong and wide hurricane hit North Carolina only two years ago, causing wide spread serious flooding, from which some people were still recovering in September 2018, when Hurricane Florence hit, causing still worse flooding over many days as the storm just sat over the cost to inland areas, pouring up to 20 inches of rain, while ocean storm surges backed up rivers, increasing the flooding. Transportation and power were disrupted across the entire state. At least 16 people had died, as of September 17. The flooding also spread into South Carolina (David Zucchino, Alan Blinder and Jack Healy, "Storm ‘Has Never Been More Dangerous,’ Governor Warns," The New York Times, September 16, 2018, https://www.nytimes.com/2018/09/16/us/hurricane-florence-path.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&sectionId=world&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=1&pgtype=collection).


Mangkhut left a swath of damaged buildings and scores of injuries in Hong Kong and Macau before churning across the southern coast of China. Barely a day earlier, it ravaged the northern Philippines and left dozens buried in landslides, including people sheltering in a church and a dormitory for miners.
The unofficial count from the Philippine police put the number of dead as at least 59. The death toll was expected to rise as rescue workers continued digging into areas buried by mud, especially in mountainous parts of Benguet Province in the northern island of Luzon. The president’s office said 43 bodies had been recovered from the mine landslide and the search was continuing.

Severe weather in Minnesota, in much of June, brought flooding and property damage, bringing the governor to declare an emergency across 36 counties and the Chippewa Reservation, July 5, 2018 (NM Governor declares emergency after severe weather," NFIC, August 8, 2018).


Surging floodwaters from Florence, now a tropical depression, have swept away part of a retaining wall holding back a pond of coal ash – which contains mercury, arsenic and other toxic substances – and have also overrun several lagoons of pig waste in North Carolina. The mishaps amplified concerns about an array of danger zones including Superfund sites, chemical plants and the region’s industrial hog farms.

The spreading of the toxic waste by the flooding is a direct threat to drinking water in several areas, as well as posing other human hazards.

The wide size of Florence and the length of time it spent dropping huge amounts of rain has kept flooding expanding, and then continuing, long after the storm has left the Carolinas, leaving a great many people who evacuated unable to return home, and preventing damage assessment and repair to begin in a very wide area. As of October 2, the effects of the storm were continuing, with main areas in the Carolinas continuing to remain flooded. (Alan Blinder and Chris Dixon “Florence’s Slow-Motion Havoc Leaves Thousands of Evacuees in Limbo," The New York Times, September 26, 2018, https://www.nytimes.com/2018/09/26/us/flooding-carolinas-florence-evacuees.html?ref=collection%2Fsectioncollection%2Fclimate&acti

And once again, the new pattern of especially wide, but this time not slow moving, storms, dumping huge amounts of rain – with more storms – and many especially powerful – came with Hurricane Michael striking the Panhandle of Florida, the worst storm ever to hit the area, and the third most powerful to strike the U.S. It landed as a force 4, and

“Images from there showed swaths of shattered debris where houses once stood and structures inundated up to their rooftops; the streets of Panama City, farther west, were blocked by downed tree limbs and impossible tangles of power lines. Recreational vehicles, trucks and even trains were pushed over, surrounded by new lakes of water.”


Although it was clear by afternoon that the storm had caused widespread damage, some areas remained largely cut off, and the authorities were trying to deploy rescuers by helicopter and boat. At least five people were killed, and with the death toll expected to rise, the Panhandle and counties to the north were a vast, staggered disaster zone.”

“Much of the coast of the Florida Panhandle, including parts of Panama City and Mexico Beach, was left in ruins. The area is dotted with small, rural communities, some of them among the poorest in the state. Evacuation was difficult.”

“At 11 a.m. on Thursday, Michael was about 25 miles south of Greensboro, N.C., heading northeast with sustained wind speeds of up to 50 miles per hour. Now a tropical storm, it is moving relatively quickly, at 23 m.p.h., and is expected to speed up as it crosses the Carolinas and blows out to sea by early Friday.”

Two days after the storm, with most buildings along the coast for 100 miles shattered, and ground transportation still largely disrupted, and power, water and sewer systems still out, aid workers were having difficulty getting essential supplies to people in the stricken areas. By then heavy rains were falling in the western Carolinas, but with the storm moving quickly, no serious flooding was occurring. However, as Michael remained a force 3 hurricane as it passed into Georgia, with winds of 120-130 mph, the storm continued to do great damage in its inland march north. In some inland areas the storm was the most devastating ever known. The destruction was so great in the Florida Pan Handle that it may take many weeks before power is restored in many areas (Richard Fausset, Audra D. S. Burch and Alan Blinder ‘‘We Need Answers’: Hurricane Michael Leaves Florida Residents Desperate for Aid,” The New York Times, October 12, 2018,

Timothy Williams and Richard Fausset, "Heavy Early Snow Smacks the Southeast, Knocking Out Power and Snarling Travel," The New York Times, December 9, 2018, https://www.nytimes.com/2018/12/09/us/snow-storm-north-carolina-virginia.html, reported, "That beauty came at a price, though, as a powerful storm plowed across the South this weekend, dumping heavy snow in some areas and sleet and freezing rain in others. Power was knocked out to more than 200,000 customers in North and South Carolina, according to a major utility in the region, forcing people who were left without electricity and heat to stay in hotels and shelters until downed lines can be repaired.

Hundreds of traffic accidents were reported on slick roads across the region, including an incident in Matthews, N.C., in which a falling tree struck a vehicle, causing it to careen into a church and killing the driver, according to the local police.

Travel disruptions were widespread. More than 1,100 flights to or from Charlotte Douglas International Airport, a busy hub, had been canceled by Sunday morning because of the storm, according to FlightAware, a flight-tracking website. Raleigh-Durham International Airport reported more than 200 cancellations. Amtrak also canceled or altered service on a number of trains through Tuesday."


Most of the flooding occurred in the Aude region, named after the river that runs through it, after several months’ worth of rain fell within hours overnight — nearly 14 inches in some places, according to the Interior Ministry.”

Japan suffered greatly from weather in July, 2018, with an extreme heat wave killing 130 people, and then a powerful typhoon bringing floods, and landslides, killing more than 200 people, while stranding travelers at heavily damaged Kansai International


Officials prepared on Monday to declare a natural disaster, which would allow for the mobilization of military and other resources to 12 states that have been badly affected. President Muhammadu Buhari has authorized the equivalent of $8.2 million to aid relief efforts.

Over the weekend, the Nigeria Hydrological Services Agency reported that the Benue and Niger Rivers were close to reaching levels that in 2012 led to floods that killed more than 350 people and wiped out scores of homes, farms and other property."

Climeworks, http://climeworks.codeomega.co.uk/co2-removal/, accessed November 3, 2018, states, “Climeworks [in Switzerland] has developed the first commercial carbon removal technology on the market today, allowing us to physically remove any organization’s or individual’s past, present and future CO2 emissions.

Are there any alternative approaches to carbon dioxide removal? Carbon dioxide removal, also known as negative emissions technologies, covers a number of technologies which reduce the levels of CO2 in the atmosphere.

These include:
- Bioenergy in combinations with carbon capture and storage (BECCS)
- Afforestation: large-scale tree plantations to increase carbon storage in biomass and soil
- Enhanced weathering: distribution of crushed silicate rocks on soil surfaces to absorb and bind CO2 chemically
- Direct air capture of CO2 from ambient air through engineered chemical reactions

Our direct air capture approach has several advantages over other carbon removal technologies: it does not require water or depend on arable land; has a small physical footprint; and is scalable.”

The captured CO2 can be injected into rock certain formations where it combines with the rock to forma a stable rock compound. With the current state of the global warming crisis, carbon capture is likely a necessary element in successfully reducing the warming-climate change damage. But to be effective, it needs to be put into practice, along with other approaches including greenhouse gas emmissions reductions, very quickly and extensively.

In summer 2018, California, like the U.S. west in general, was in the midst of another global warming increased fire season. As of July 28, there were 28 wild fires burning in California, several of them large, serious, spreading, and little contained. The Carr Fire, into, and stretching Northwest from Redding, had burned more than 80,900 acres, was 5% contained, had destroyed 500 structures, damaged 76, and threatened 4978 more, as some 10,000 people were ordered to evacuate. By the morning of July 30, 3 people had died in a house, and the fire was 95,368 acres and 17% contained. As of August 1, 6 people had died, 1,018 residences, 12 commercial structures, 435 outbuildings had been destroyed, with 181 residences, 6 commercial structures and 61 outbuildings damaged, as 115,538 acres had burned with the fire 35% contained. As of August 2, another fire fighter had died, and the fire had consumed more than 116,000 acres. The fire was so intense in places that people returning to where their homes had been found no sign of them, even the dirt was gone, and only rock remained. The fire had moved west, away from Redding by August 2. At its height, between 35,000 and 39,000 people had been evacuated. As of August 2, it was the 7th most devastating fire in California history. On August 6, The Carr Fire had burned 163,207 acres and was 45% contained, having claimed a 7th life. At that time destroyed were 1,080 residences, 24 commercial structures with 500 outbuildings destroyed, and 190 residences, 26 commercial structures and 62 outbuildings damaged. 1223 structures were threatened. As of August 8, the Carr Fire had consumed 173,522 acres, was 47% contained, had destroyed 1,077 residences, 22 commercial structures, and 500 outbuildings, damaged 191 residences, 26 commercial structures and 65 outbuildings, while threatening 935 other structures. As of August 22, the Carr Fire had consumed 229,651 Acres, destroyed 1,079 residences, 22 commercial structures, 503 outbuildings, damaged 190 residences, 26 commercial structures, and 61 outbuildings and was 93% contained.

The Ferguson Fire East of Yosemite National Park, had consumed more than 49,600 acres, had forced closing of the park, and was 29% contained. On August 1, 62,883 acres had burned, with 39% containment. By August 6, 91,502 acres had been consumed with 38% containment. There had been 2 fatalities and 11 injuries to date. 10 structures had been destroyed. The Ferguson Fire is now the largest fire in the Sierra National Forest's History. On August 8, the Ferguson fire has consumed 94,992 acres, with 43% containment. 10 structures had been destroyed. On August 22, the fire was 100% contained, having consumed 96,901 acres.
The RanchFire #MendocinoComplex off Highway 20 near Potter Valley, northeast of Ukiah in Mendocino, Lake, and Colusa Counties, had consumed 225,001 acres and 21% contained on August 6. It had destroyed 75 residences and 68 other structures and was threatening 9300 structures. As of the morning of August 8, it has consumed 251,166 acres, was 46% contained, had destroyed 116 homes and 105 other buildings, while threatening 10,300 structures. It is the largest fire in California History. In all 17 major fires were burning in the state, on August 8. On August 22, the Ranch fire was 74% contained, having burned 410,482 Acres


The National Interagency Fire Center, on July 29 and then on August 8, https://www.nifc.gov/fireInfo/nfn.htm listed 90 large fires nationwide: Alaska (14-16), Arizona (10-11), California (8-9), Colorado (10-13), Florida (1), Idaho (9-10), Montana (3-7), Nevada (5), New Mexico (3), Oklahoma (1-0), Oregon (15), Texas(0-1) Utah (6-7), Washington (1-7), and Wyoming (4-2). On August 8, there were 107 large active wild fires, nationwide, that had consumed 1,623,770 acres.

In the past, by November fire season in California was long over. But with climate change, that is no longer the case. As of November 9, 2018, three major fires were raging in California, causing at least 5 deaths, major property destruction and hundreds of thousands of people evacuated.

The one day old Camp Fire, near Chico, had burned 90,000 acres, was 5% contained, had destroyed 6,453 residences and 260 commercial buildings, and threatened 15,000 structures, while causing the evacuation of thousands of people (Cal Fire Incident information, November 09, 2018 7:46 pm, http://www.fire.ca.gov/current_incidents/incidentdetails/Index/2277).

By November 13, it had become clear that 48 people had died in the fast moving fire that almost totally destroyed the town of Paradise. It had become both the largest and deadliest wild fire in California history. By 7:39 pm, November 13, the Camp Fire had burned 130,000 acres and was 35% contained. 7,600 residences, 260 commercial structures had been consumed ("Camp Fire,” Cal Fire Incident Information, November 13, 2018, 7:30 pm, PST, http://fire.ca.gov/current_incidents/).
As of November 16, the known death toll had reached 63, with over 600 missing, and 9,844 residences, 336 commercial and 2,076 other buildings destroyed, with 146,000 acres burned and the fire 50% contained (PBS Evening News; Cal Fire Incident Information, November 16, 2018, 7:44 pm, http://www.fire.ca.gov/current_incidents/incidentdetails/Index/2277).

By November 17, the number of known dead from the Camp Fire had risen to 71, with the list of missing over 1000 people. By December 2, the number of known dead was 83 people, with about 200 still missing. With the town of Paradise destroyed, several thousand people face long term homelessness. The fire took 17 days to contain (Thomas Fuller and Susan C. Beachy, “List of Missing in California Fire Is Over 1,000 People. Here Is How They’re Being Counted,” The New York Times, November 16, 2018, https://www.nytimes.com/2018/11/16/us/california-fire-missing-list.html; an NPR News Report, December 2, 2018).


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On Friday, residents of smog-choked Northern California woke to learn that their pollution levels now exceed those in cities in China and India that regularly rank among the worst.

In the communities closest to the Paradise fire, an apocalyptic fog cloaked the roads, evacuees wandered in white masks and officials said respiratory hospitalizations had surged. Nearly 200 miles to the south, in San Francisco, the smoke was so thick that health warnings prompted widespread school closings. Even the city’s cable cars were yanked from the streets.”
Lisa Friedman, “…And the Best of the Rest,” The New York Times, https://www.crisisgroup.org/united-states/002-how-save-us-refugee-admissions-program?utm_source=Sign%20Up%20to%20Crisis%20Group%27s%20Email%20Updates&utm_campaign=04fd31fa1-EMAIL_CAMPAIGN_2018_09_12_09_49_COPY_01&utm_medium=email&utm_term=0_1db8c11ea04fd31fa1-359871089https://static.nytimes.com/email-content/CLIM_5558.html?nid=52235981, reported, Climate leaders from around the world and thousands of activists, business executives and government officials are gathering in California for the Global Climate Action Summit. It’s being billed as the largest-ever meeting of states, regions, cities and companies which, in the absence of action from the United States under the Trump administration, will try to show the world that Americans are still serious about addressing global world warming.”

Henry Fountain, "California Is Preparing for Extreme Weather. It’s Time to Plant Some Trees: The state expects drier dry years and wetter wet ones in the decades ahead. That means projects to restore river habitats now serve another purpose: battling the coming floods," The New York Times, July 15, 2018, https://www.nytimes.com/2018/07/15/climate/california-is-preparing-for-extreme-weather-its-time-to-plant-some-trees.html?ref=collection%2Ffissuecollection%2Ftadays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=3&pctype=collection, reported, "For years, there has been a movement in California to restore floodplains, by moving levees back from rivers and planting trees, shrubs and grasses in the low-lying land between. The goal has been to go back in time, to bring back some of the habitat for birds, animals and fish that existed before the state was developed.

But in addition to recreating the past, floodplain restoration is increasingly seen as a way of coping with the future — one of human-induced climate change. The reclaimed lands will flood more readily, and that will help protect cities and towns from the more frequent and larger inundations that scientists say are likely as California continues to warm."

One side event at the Global Climate Action Summit was a display showing how municipalities can meet ocean rise in positive ways, as the Dutch have, with benefits to the area. (But this only works if ocean rise is only a limited number of feet, beyond a certain point, it becomes first too expensive, and with more rise, unworkable) (John King, "Sea Level Rise Meets Its Potential Match," San Francisco Chronicle, September 13, 2018).

The point is close to arriving, if it is not already here, when even a rapid intense action to cut greenhouse gasses will be insufficient to prevent global warming to bring horrendous world-wide disaster. Fortunately, important advances have been made in carbon capture that may well be necessary. A review of many of these is in Amanda Paulson, Carbon capture rises as a battlefront," Christian Science Monitor Weekly, November 26, 2018 - on line September 26, 2018, https://www.csmonitor.com/Environment/2018/0919/Cutting-emissions-still-matters.-But-carbon-capture-rises-as-a-battlefront). Other approaches to climate engineering have also been discussed, many of which are quite risky. A discussion of one of
these, Solar Radiation Management (SRM) is discussed in Kate Aronoff, "The Plan to Block Out the Sun," In These Times, December 2018. An overview of the approach, without much analysis of possible problems with the approach, is on Big Think, https://bigthink.com/surprising-science/harvard-solar-geoengineering-plan-to-block-out-sun.

California, working with a private firm, announced in September that it was launching a satellite to help monitor climate change (Kurtis Alexander, "S.F. Firm's satellite to monitor Climate Change, San Francisco Chronicle, September 15, 2018).

The strongest hurricane to approach Hawaii, in some years, Hurricane Lane, weakened, winds dropping to 70 miles an hour before it struck land. However, its winds first started wild fires by breaking power lines, and then brought 40 inches of rain, with more coming as of early August 25, 2018, causing power outages, disruption of all transportation, flooding and land slides ("Hurricane Lane weakens to Tropical Storm, but drenches Hawaii in 40 inches of rain," The Wall Street Journal, August 25, 2018, https://www.marketwatch.com/story/hurricane-lane-weakens-to-tropical-storm-but-drenches-hawaii-in-40-inches-of-rain-2018-08-25).


Most of the flooding occurred in the Aude region, named after the river that runs through it, after several months’ worth of rain fell within hours overnight — nearly 14 inches in some places, according to the Interior Ministry.”


Parts of the Danube and the Elbe — Germany’s other major rivers for transport — are also drying up. Some inland ports are idle, and it is estimated that millions of tons of goods are having to be transported by rail or road.”


In Venice, ferocious winds drove the high tide to more than 61 inches, or 156 centimeters, above average sea level on Monday, one of the highest levels ever recorded,
plunging much of the city under water. It was the highest flood in a decade in Venice, though far short of the record, more than 76 inches above level, set in November 1966.”

“Deadly Storms in Italy Devastate 2 Families as Floods Hit Sicily,” The New York Times, November 4, 2018, https://www.nytimes.com/2018/11/04/world/europe/italy-storms-sicily.html, reported, “Nine members of two families were killed in the same house in Sicily when the torrential rains and high winds that have been lashing Italy caused a river to burst its banks Saturday night.”

Meteor Blades, It's not just poverty and violence that are driving refugees to the U.S. border. It's climate change,” Daily Kos, October 31, 2018, https://www.dailykos.com/stories/2018/10/31/1808817/-It-s-not-just-poverty-and-violence-that-are-driving-refugees-to-the-U-S-border-It-s-climate-change?detail=email&kre, reported that while increasing violence and poverty remain major reasons for people to flee Central American countries for Mexico and the U.S., the main reason is climate change, which could cause millions of more people to become refugees.

“Oliver Milman, Emily Holden, and David Agren at The Guardian writes:

’The focus on violence is eclipsing the big picture – which is that people are saying they are moving because of some version of food insecurity,” said Robert Albro, a researcher at the Center for Latin American and Latino Studies at American University.

‘The main reason people are moving is because they don’t have anything to eat. This has a strong link to climate change – we are seeing tremendous climate instability that is radically changing food security in the region.’

Migrants don’t often specifically mention ‘climate change’ as a motivating factor for leaving because the concept is so abstract and long-term, Albro said. But people in the region who depend on small farms are painfully aware of changes to weather patterns that can ruin crops and decimate incomes.

Jesús Canan is one of those the reporters talked to. He gave up after two years without rain that meant no corn to harvest. Nothing to eat, nothing to sell, not even any seed corn to replant. He left his family in western Honduras and joined the caravan. “It wasn’t the same before. This is forcing us to emigrate. In past years, it rained on time. My plants produced, but there’s no longer any pattern [to the weather].”


In the long-expected move, the Interior Department finalized its new rule, replacing one proposed by former President Barack Obama in the final days of his administration, that would have reduced leaking, venting and flaring of methane from drilling activity on federal and
tribal land. The new regulation essentially reinstates the approximately 30-year-old guidelines that were in place when President Trump won the 2016 election."


But increased pollution can also have long-term negative economic consequences. The effects on health are bad enough on their own, and are well understood.”

The impacts reported in a new report include the health effects causing workers to work less well, to take time off, and in some cases to become disabled. Also children in school often do less well in school, and in some instances suffer long term disabilities lessening their employment opportunities, and sometimes causing disabilities. Not mentioned, is that areas where pollution effects are known can have lower property values, and may lose businesses as well as people.

Julia Conley, “In 'Historic Moment' for Climate Action, Wales Pledges to Leave Its Remaining Coal in the Ground: ‘More countries must rapidly follow the path of Wales in leaving fossil fuels in the ground and transitioning to renewables,’" Common Dreams, October 22, 2018, https://www.commondreams.org/news/2018/10/22/historic-moment-climate-action-wales-pledges-leave-its-remaining-coal-ground, reported, “Climate action groups on Monday applauded the government of Wales for demonstrating that it is taking seriously the existential and planetary threat posed by fossil fuels by announcing that the country would end its extraction of coal.

Wales' new proposed plan to reject all future coal mining applications is set to be finalized by the end of the year, a government spokesperson told the BBC last week, as part of the country's new energy strategy which will aim to ensure that 70 percent of Wales' energy is derived from renewable sources by 2030.

“We applaud the Welsh government in taking these vital steps for a climate safe future. Their actions are in direct contrast to its English neighbor who this week has given the green light to start fracking and created an unfavorable environment for renewable energy,” said Anna Vickerstaff, spokesperson for 350.org, referring to fracking operations which restarted in Blackpool, England recently—days before five small earthquakes were recorded in the area.

“It is a historic moment. This is the end of coal in Wales after a long association and history.” —Haf Elgar, Friends of the Earth Cymru

The announcement came days weeks after the Intergovernmental Panel on Climate Change (IPCC) released a harrowing report on the steps the world's government must take immediately in order to avoid the catastrophic effects of the climate crisis which would come about by 2040 if the Earth warms more than 1.5 degrees Celsius (or 2.7 degrees Fahrenheit).

“We have to be aware of our global responsibility and the impact all of the coal has had over the years and to make sure that we really do play our part in Wales now to be globally responsible and to reduce our carbon emissions," Haf Elgar, director of Friends of the Earth Cymru, told the BBC.
Payal Parekh, program director for 350.org, praised Wales for heeding the call of the IPCC and expressed urgent hope that other countries follow in its footsteps.

‘The IPCC report released last week should act as a wake-up call for leaders worldwide. More countries must rapidly follow the path of Wales in leaving fossil fuels in the ground and transitioning to renewables,’ said Parekh in a statement.

The government’s decision was significant for a country which once counted the coal industry as its single biggest employer, producing 57 million tons of coal in one year at the beginning of the last century. Production has slowed significantly over the last 100 years, with the country extracting 2.5 million tons in 2014— but green groups expressed optimism about the plan to eliminate the fossil fuel from Wales' economy.

‘It is a historic moment. This is the end of coal in Wales after a long association and history,’ said Elgar.

The announcement makes Wales one of a small but growing group of nations which have pledged to take bold action and abandon long relied-upon energy sources for the sake of the planet and future generations.

Earlier this year, Costa Rica announced it would shift to 100 percent renewable energy by 2021, and fracking has been banned in Uruguay, Scotland, Germany, Australia, and a number of U.S. states.

The IPCC's report noted that putting a stop to fossil fuel emissions could feasibly be achieved, but that successfully limiting global warming to 1.5 degrees Celsius "would require rapid and far-reaching transitions in energy, land, urban, and infrastructure (including transport and buildings), and industrial systems"— the kind of change to which the Welsh government has now committed.

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Coral Davenport, “E.P.A. to Eliminate Office That Advises Agency Chief on Science,” The New York Times, September 27, 2018, https://www.nytimes.com/2018/09/27/climate/epa-science-adviser.html?ref=collection%2Ffissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=3&pgtype=collection, reported, “The Environmental Protection Agency plans to dissolve its Office of the Science Advisor, a senior post that was created to counsel the E.P.A. administrator on the scientific research underpinning health and environmental regulations, according to a person familiar with the agency’s plans. The person spoke anonymously because the decision had not yet been made public”.


Dr. Ruth Etzel, a pediatrician and epidemiologist who has been a leader in children’s environmental health for 30 years, joined the E.P.A. in 2015 after having served as a senior
officer for environmental health research at the World Health Organization. She was placed on administrative leave late Tuesday and asked to hand over her badge, keys and cellphone, according to an E.P.A. official familiar with the decision who was not authorized to discuss the move and who asked not to be identified.

The official said Dr. Etzel was not facing disciplinary action and would continue to receive pay and benefits. No explanation was offered to the staff on Tuesday.”


The EPA sent toxicologist Edward Calabrese, who has argued that loosening radiation regulations could have positive health effects on humans, as well as saving money for businesses that currently work to limit exposure, as its lead witness to testify before the Senate Environment and Public Works Committee.

'Trump's EPA is attempting to convince the committee that allowing more radiation will not be harmful by presenting long-rejected theories as mainstream,' said Cindy Folkers, a radiation and health hazard specialist at Beyond Nuclear, in a statement. 'The agency is ignoring scientific evidence by instead claiming a little radiation is good for you. This is clearly an attempt to save industry money at the expense of women and children's health.'

For decades, the government has advised that any exposure to harmful radiation carries cancer risks for humans.

The proposed rule would call on regulators to consider 'various threshold models across the exposure range' when setting guidelines for exposure to substances and chemicals. In a news release about the proposal in April, the EPA quoted Calabrese as calling the move 'a major scientific step forward" in assessing the risk of 'chemicals and radiation.'

In 2016, Calabrese suggested rolling back radiation regulations, saying, "This would have a positive effect on human health as well as save billions and billions and billions of dollars." Two
years earlier, he called on the government to right "the past deceptions and [correct] the ongoing errors in environmental regulation.'

Calabrese's views have been “generally dismissed by the great bulk of scientists," physicist Jan Beyea told the Associated Press.

The proposal would likely lead to 'increases in chemical and radiation exposures in the workplace, home and outdoor environment, including the vicinity of Superfund sites,' he added.

As Beyond Nuclear explained, women and children are disproportionately more at risk from the regulatory rollback, with women suffering 50 percent more harm and female children suffering nearly 10 times more harm when exposed to radioactivity than adult males on which U.S. protection standards are based.

'Current standards are already not protective enough of women and children, nor is their susceptibility accounted for in the public health costs,' Folks said. 'If the EPA allows even greater exposure, the costs to society could be very high.'

The EPA has argued that the regulation is aimed at 'increasing transparency on assumptions' about radiation exposure, and the agency demanded that the AP retract its reporting on Tuesday that the 'EPA says a little radiation may be healthy'—despite the fact that its own lead witness on Capitol Hill on Wednesday has said just that.

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By loosening restrictions on CO2 emissions, the Trump administration moved, in December, to make it easier for new coal power plants to be built - though the lower prices than coal of natural gas and green energy may make this change irrelevant (Lisa Friedman, "E.P.A. Will Ease Path to New Coal Plants," The New York Times, December 5, 2018).

Juan Cole, "In Epochal Shift, California Votes for 100% Green Electricity by 2045," Informed Comment, August 31,2018, https://www.juancole.com/2018/08/epochal-california-electricity.html, "This week, the California state legislature voted to mandate that all the state’s electricity come from non-carbon sources (chiefly wind, solar and hydro) by 2045.

Since California if it were a country would have the world’s fifth largest economy, and since so many other states are economically integrated with it, this plan, if signed by governor Jerry Brown, could help transform the entire country.

The goal is less difficult than it seems on the surface. California had already committed to getting one third of its electricity from renewables by 2020, and reached that goal in 2017. It committed to getting 50% of its electricity from renewables by 2030, and in fact will likely reach that goal 10 years early, in 2020."

Citizens Climate Education (www.CitizensClimateEducation.org) has produced the following two summary documents with links on the impact of climate change on national security.

Washington State will consider a ballot measure in November, Initiative 1631, the Protect Washington Act, that would impose a carbon tax and require the state to reduce CO2 emissions by 2035 to 40% below the 2014 level. Money from the tax would go to revitalizing low income communities, including low income energy assistance (Sasha Abramsky, "A Green New Deal in the Evergreen State: Initiative 1631 tackles both climate change and economic inequality," The Nation, August 1, 2018).

A plentiful, safe and more affordable alternative would be worth a lot.

On Wednesday, an energy company headed by the California billionaire Patrick Soon-Shiong announced that it had developed a rechargeable battery operating on zinc and air that can store power at far less than the cost of lithium-ion batteries.

Green Car Reports, December 17, 2019, https://www.greencarreports.com, lists a number of new electric car models entering the market in surveying what is available in electric cars.

CLIMATE CHANGE – A TOP NATIONAL SECURITY THREAT: FREQUENTLY ASKED QUESTIONS (FAQ’S)

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Further Reading on the National Security Implications of Climate Change

The three areas where climate change impacts National Security

1- Climate Change and Military Installations – Norfolk and other coastal installations worldwide are at risk from sea level rise, storm surge, and flooding; inland training areas suffer from heat (more black flag training days: physical training suspended due to risk of heat related injury), drought (ranges closed due to fire risk), wildfires, floods, power outages; thawing permafrost is damaging foundations to buildings on bases in Alaska
   - GAO: Flooding at Fort Irwin

2- Climate Change and New Missions – New trade routes and defense requirements have arisen due to the melting of the Arctic icecaps; increased severity of extreme weather events, droughts, disease proliferation, and sea level rise leads to increased need for Humanitarian Assistance and Disaster Relief abroad and Defense Support to Civilian Authorities domestically
   - Navy to Release Arctic Strategy This Summer, Will Include Blue Water Arctic Operations
   - Research paper - Reacting to Crisis: The Costs of First Response by the United States Navy
     “The scale of humanitarian disasters in 2013 was extraordinary and so was the resulting demand for international humanitarian response. The money expended (by the Navy) in disaster relief in 2013 was a record US$22 billion.”

3- Climate Change and Global Instability – (“threat multiplier” or “catalyst for conflict”) The increased severity of extreme weather events, droughts, disease proliferation, and sea level rise contributes to resource competition between nations, mass migrations, and popular unrest; this unrest can make populations more susceptible to recruitment by violent extremist organizations
   - Climate Change Hastened Syria's Civil War

Selected studies, reports, assessments, and policy documents
Center for Naval Analysis May 2007 report, “National Security and the Threat of Climate Change” (PDF)
- “The nature and pace of climate changes being observed today and the consequences projected by the consensus scientific opinion are grave and pose equally grave implications for our national security.”
- “The increasing risks from climate change should be addressed now because they will almost certainly get worse if we delay”

DoD “Quadrennial Defense Review 2010” (PDF)
“Climate change will affect DoD in two broad ways. First, climate change will shape the operating environment, roles, and missions that we undertake... Assessments conducted by the intelligence community indicate that climate change could have significant geopolitical impacts around the world, contributing to poverty, environmental degradation, and the further weakening of fragile governments. Climate change will contribute to food and water scarcity, will increase the spread of disease, and may spur or exacerbate mass migration...”
“Second, DoD will need to adjust to the impacts of climate change on our facilities and military capabilities... In 2008, the National Intelligence Council judged that more than 30 U.S. military installations were already facing elevated levels of risk from rising sea levels. “

Center for Naval Analysis May 2014 report, “National Security and the Accelerating Risks of Climate Change” (PDF)
- From cover letter signed by the 16 Military Advisory Board members: “We are dismayed that discussions of climate change have become so polarizing and have receded from the arena of informed public discourse and debate.
- From the report: “Actions by the United States and the international community have been insufficient to adapt to the challenges associated with projected climate change. Strengthening resilience to climate impacts already locked into the system is critical, but this will reduce long-term risk only if improvements in resilience are accompanied by actionable agreements on ways to stabilize climate change.”
- “The projected impacts of climate change will threaten major sections of the U.S. economy.”

DoD “Quadrennial Defense Review 2014” (PDF)
- "As greenhouse gas emissions increase, sea levels are rising, average global temperatures are increasing, and severe weather patterns are accelerating. These changes, coupled with other global dynamics, including growing, urbanizing, more affluent populations, and substantial economic growth in India, China, Brazil, and other nations, will devastate homes, land, and infrastructure”.

For deeper historical perspective in other 2008-2017 landmark DoD/DNI climate change documents, including National Intelligence Assessments, DoD Roadmap, DoD Directive, CoCom reports, etc., see:
Center for Climate and Security -- US Government Resources
DoD Climate-Related Screening Level Vulnerability Assessment Survey (SLVAS)- January, 2018
- Over 50% of 3500 DoD worldwide sites affected by climate change

National Security Strategy (NSS) released by White House on Dec 18, 2017, with no mention of climate change threat to national security. Promotes fossil fuel strategy for energy security. House Member Jan 18 NSS letter to President with 106 signatures strongly objecting to the NSS omission of climate change as a threat to national security, including 11 Republicans. Urges President to reconsider. Press release and Newsweek article.

DNI Worldwide Threat Assessment, February 13, 2018
On Environment and Climate Change: “The impacts of the long-term trends toward a warming climate, more air pollution, biodiversity loss, and water scarcity are likely to fuel economic and social discontent—and possibly upheaval...”

Links for future (continuing) reference:
Center for Climate and Security – One Page Briefer
Center for Climate and Security Forum, 2018
American Security Project -- Climate Security

Documentaries
Tidewater
The Burden

Jessica Corbett, “‘Wow Wow Wow... Huge News' as New York Sues ExxonMobil for Defrauding Investors by Hiding Climate Threat: ‘The New York Attorney General is standing up for investors who may have been swindled, and indirectly for the seven billion of us who will suffer from Exxon's lies.” CommonDreams, October 24, 2018

After a three-year probe and amid mounting demands that the fossil fuel industry be held accountable for driving the climate crisis, New York Attorney General Barbara Underwood on Wednesday filed suit against ExxonMobil, the world's largest oil and gas company, for defrauding investors by downplaying the financial threat of regulations crafted to mitigate human-caused global warming.
‘Big oil may finally face some consequences for its role in wrecking the climate,’ declared 350.org co-founded Bill McKibben. ‘The New York Attorney General is standing up for investors who may have been swindled, and indirectly for the seven billion of us who will suffer from Exxon's lies.’

‘Investors put their money and their trust in Exxon—which assured them of the long-term value of their shares, as the company claimed to be factoring the risk of increasing climate change regulation into its business decisions. Yet as our investigation found, Exxon often did no such thing,’ Underwood said in a statement.

**New York investigators, she said, concluded that ‘Exxon built a facade to deceive investors into believing that the company was managing the risks of climate change regulation to its business when, in fact, it was intentionally and systematically underestimating or ignoring them, contrary to its public representations.’**

The complaint (pdf) details years of troubling actions by Exxon's leaders—including former CEO Rex Tillerson, who spent more than 40 years at the company prior to his short-lived tenure as the President Donald Trump's first secretary of state.

The state's probe, launched by Underwood's predecessor Eric Schneiderman, came to light in 2015 after the Los Angeles Times and InsideClimate News reported that the company had "conducted cutting-edge climate research decades ago and then, without revealing all that it had learned, worked at the forefront of climate denial."

Since those reports, Exxon has been named in multiple climate liability lawsuits brought by city, county, and state officials across the country as advocacy groups and the public have increasingly pressured politicians to hold oil and gas companies accountable for contributing to the climate crisis and lying about the devastating long-term impacts of dirty energy.

Exxon's 'colossal climate denial operation'—which was also detailed in a Harvard study published last year—'significantly impacted how the climate change debate played out in business, science, and politics,’ noted Naomi Ages of Greenpeace USA.

And as Richard Wiles, executive director of the Center for Climate Integrity, observed, "Climate change deception is central to Exxon's business model." The company pocketed immense profits while it "bankrolled a 30-year, multi-million denial campaign, manufacturing doubt about climate science when it knew there was none."

While Exxon continues to make money from oil and gas production, coastal communities are facing the mounting financial and environmental costs of the climate crisis. Wiles, like many others who support the ongoing litigation against fossil fuel firms, said Wednesday that Exxon "needs to pay investors they misled and the cities and states now facing massive climate expenses."

In addition to making the companies pay for the consequences of their products, climate campaigners are demanding a worldwide transition to renewable energy. Referencing the recent IPCC report that stated the international community must take rapid action to prevent climate catastrophe, Ages pointed out: ‘The stakes have never been higher in capping carbon emissions.’

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Glenn Branch, Deputy Director, National Center for Science Education, Inc., branch@ncse.com, https://ncse.com, in an E-mail, August 17, 2018, wrote, "A New Survey On Climate Change," "A record 60% of Americans now think that global warming is happening and that humans are at least partially responsible for the rising temperature,"
According to the latest survey from the National Studies on Energy and the Environment conducted by the University of Michigan and Muhlenberg College.

 Asked "From what you've read and heard. Is there solid evidence that the average temperature on earth has been getting warmer over the past four decades?" 73% of respondents -- the highest rate since the survey asked the question in 2008 -- said yes, 15% said no, and 12% volunteered that they were unsure.

 Asked about the causes of climate change, 34% of respondents attributed it to human activity, 26% attributed it to a combination of human activity and natural patterns or were not sure, 12% attributed to natural patterns, while 12% were not sure if climate is changing and 15% thought that climate is not changing.

 According to the NSEE report, there were 751 adult respondents for the survey, contacted via land line and cell phones between April 29 and May 25, 2018; the margin of error was +/- 4% at a 95% level of confidence. The data were weighted by gender, age, race, income, and education to reflect the population characteristics of the United States.


 Pakalolo, “New phenomenon enables Polar jet circulation to bring Saharan dust to Arctic Circle,” Daily Kos, October 15, 2018, https://www.dailykos.com/stories/2018/10/15/1804425/-New-phenomenon-enables-Polar-jet-circulation-to-bring-Saharan-dust-to-the-Arctic-Circle?detail=emalddkre, reported, “Now a new threat to the ice has been discovered that has the effect of amplifying changes to the Arctic by decreasing reflectivity from snow and ice with layers of dust originating in Africa’s Sahara desert. EurekAlert published a press release on a recent study that found that the new mechanism is raising temperatures and melting ice in Greenland. Research scientists at NYU Abu Dhabi, along with other global researchers, have identified a new mechanism by which warm dust travels from the Sahara Desert to the Arctic Circle. This has been proven to affect rising temperatures and ice melt in Greenland.

 ‘The poleward transport of dust is caused by a meandering polar jet stream that was at the origin of both dust emission (through cyclogenesis over Northwest Africa) and poleward transport of the uplifted dust toward the Arctic (through circulation related to cut-off low formation).’ The polar jet stream has been identified as the main driver for such events according to the study.”

 Many of the world’s airports are in low lying coastal areas. Already, with so far limited rise in oceans, many are being swamped during storms, sometimes stranding travelers for days, in addition to being unable to land or take off aircraft (Hiroko Tabuchi, "Vulnerable Airports Swamped,” The New York Times, September 8, 2018).

In New Mexico, warmer temperatures and drought are causing the Rio Grande to try up. During the summer of 2018, the 1900 mile waterway, third longest entirely within the U.S., almost stopped flowing from Colorado through New Mexico (Richard Parker, "The Rio Grande is Dying. Does Anyone Care," The New York Times, September 9, 2018).

Several American startup airlines are planning to fly supersonic aircraft, which are very greenhouse gas polluting - more so than subsonic jet aircraft (Carl Pope, "A return Flight for Super sonics," The New York Times, June 12, 2018).

Brad Plumer, "Germany's Coal Challenge," The New York Times, August 15, 2018, reported, "Germany, which has long cast itself as a global leader in the fight against climate change, is facing a moment of reckoning. The country is investing over $500 billion in clean energy but is still struggling to curb its reliance on coal power. As a result, it’s now in danger of missing its ambitious targets for cutting planet-warming emissions."

Stanley Reed, "Hydrogen-powered trains begin service in Germany," The New York Times, September 16, 2018, https://www.nytimes.com/2018/09/16/business/hydrogen-fuel-cell-trains-housing-market.html?ref=collection%2Fsectioncollection%2Fclimate&action=click&contentCollection=climate&region=stream&module=stream_unit&version=latest&contentPlacement=10&pgtype=sectionfront, reported, "In a breakthrough for a green fuel, two hydrogen-powered trains are expected to go into commercial service Monday on a rail line in northern Germany near Hamburg. The trains, which will serve cities including Bremerhaven and Cuxhaven, will be powered by hydrogen fuel cells that generate electricity through a chemical reaction. The trains are being promoted as a cheaper alternative to stringing wires on rail lines that are not electrified." The hydrogen fuel cells produce no carbon emissions.

Matt McGrath, "Organic solar cells set 'remarkable' energy record," BBC News, August 9, 2018, reported, "Chinese researchers have taken what they say is a major step forward for the development of a new generation of solar cells. Manufacturers have long used silicon to make solar panels because the material was the most efficient at converting sunlight into electricity. But organic photovoltaics, made from carbon and plastic, promise a cheaper way of generating electricity. This new study shows that organics can now be just as efficient as silicon."

It’s the dreaded pollution season in India, when the amount of vehicle fumes, dust and smoke from agricultural fires spikes to levels so high that experts say children breathing this air could cause permanent brain damage.

Agra. Lucknow. Varanasi. New Delhi. India’s most fabled cities are now among the world’s most polluted. According to some recent rankings, India holds nine of the top 10 spots.

Ken Belson, "Paradise Threatened: Fiji’s War Against Climate Change: The South Pacific nation faces major environmental challenges, from the destruction of coral reefs to rising sea levels. At least one resort is asking tourists to help," The New York Times, October 24, 2018, https://www.nytimes.com/2018/10/24/travel/fiji-global-warming.html, reported on Fiji, "The country now faces major environmental challenges, including deforestation, unsustainable fishing practices, and the introduction of invasive species, such as the crown-of-thorns starfish, that have led to the destruction of coral reefs. Rising sea levels has led to the erosion of Fiji’s coastal areas, and the intrusion of saltwater has destroyed farmland and forced residents to move to safer ground."

Fiji is also being hit by more, and more intense storms, many out of what was the normal storm season. "Winston cyclone, which hit Fiji in 2016. But what surprised islanders was that the storms arrived weeks after the cyclone season was supposed to have ended. Although there is still much scientific debate about the impact of climate change on tropical cyclones, to many islanders the timing of the storms are evidence that warming temperatures are leading to shifting weather patterns and leaving the island increasingly vulnerable."

One resort was planning to add a pool. "'We literally said, ‘Let’s build the pool because the cyclone season is over,’ and then we got hit,' Luke Kercheval, one of the owners of Matava, told me, adding that the storms had scared off visitors. "We got more rain in a week than some countries get in a year. That’s not normal."


Already, warming waters have bleached more than two-thirds of the coral in the Great Barrier Reef, the world’s largest coral reef ecosystem, which covers more than 130,000 square miles and is visible from space.

Kendra Pierre-Louis, "Scientists Find Some Hope for Coral Reefs: The Strong May Survive," The New York Times, December 10, 2018, https://www.nytimes.com/2018/12/10/climate/coral-reefs-natural-selection.html, reported, "Among the threatened corals of Australia’s Great Barrier Reef, one of the natural wonders of the world that has been ravaged by global warming, researchers have found a reason for optimism — or at least a reason not to despair completely."
Coral reefs, which by some estimates support a quarter of all ocean life, are harmed by warming oceans. The effects can be seen in the loss of their vibrant colors, a phenomenon known as bleaching. But after ocean temperatures surged in 2016 around the Great Barrier Reef, causing severe damage, researchers found that the corals that survived were more resistant to another period of extreme warmth the following year."

To help protect coral reefs from chemicals that damage them, Palu has enacted a ban on Sun Screens, to go into effect in 2020 ("Vickey Xiu Zhong Xu, "To Protect Coral Reefs Pslau Bans Sunscreens," The New York Times November 3, 2018).

Juliet Eilperin, "Trump administration proposes rule to relax carbon limits on power plants," Washington Post, August 21, 2018, https://www.washingtonpost.com/national/health-science/trump-administration-proposes-rule-to-relax-carbon-limits-on-power-plants/2018/08/21/b46b0a8a-a543-11e8-a656-943efab5daf_story.html?utm_term=.1bee3ddd8c90, reported, "The Trump administration on Tuesday proposed relaxing pollution standards for power plants nationwide, a move that could slow the decline of U.S. carbon emissions and lead to hundreds more premature deaths and thousands of asthma attacks and missed school days.

The Environmental Protection Agency’s Affordable Clean Energy rule, which President Trump planned to tout at a roundtable meeting in Charleston, W.Va., on Tuesday evening, represents the administration’s most ambitious proposal to bolster the nation’s coal industry. Although it probably would have a modest impact on curbing carbon dioxide emissions in the power sector, it could potentially increase human health risks from other pollutants.

The measure, which would replace an Obama-era rule that set strict carbon dioxide limits for each state and encouraged the shuttering of coal plants, is likely to widen the environmental policy divide between red and blue states. Officials in conservative states may allow utilities to extend the life of coal-fired units, while those in liberal states are likely to keep pressing for steep reductions in greenhouse gas emissions."


The administration’s own analysis, however, revealed on Tuesday that the new rules could also lead to as many as 1,400 premature deaths annually by 2030 from an increase in the extremely fine particulate matter that is linked to heart and lung disease, up to 15,000 new cases of upper respiratory problems, a rise in bronchitis, and tens of thousands of missed school days."

California, in October 2018, was taking the first steps in constructing a series of offshore floating wind farms, as part as its effort to have carbon free energy production by

The proposal would not eliminate the mercury regulation entirely, but it is designed to put in place the legal justification for the Trump administration to weaken it and several other pollution rules, while setting the stage for a possible full repeal of the rule.”

The National Parks Conservation Association (NPCA), July 25, 2018, https://secure.npca.org/site/Advocacy;jsessionid=00000000.app338b?pagename=homepage&pag eup=UserRole&sid=2032&autologin=true&NONCE_TOKEN=B2EB86910BD2352464D79BCB4E3FE8BF5, stated, “As with other national parks in the west, oil and gas drilling is now making its way to the doorstop of Petrified Forest in Arizona. Secretary Ryan Zinke’s Interior Department is fast-tracking this energy exploration with little regard to impacts to the park.

In fact, the Bureau of Land Management (BLM) is not conducting the necessary environmental review before green-lighting this development, which includes helium gas extraction. And what’s worse, the ridiculously short 10-day protest period announced Monday leaves only eight days to provide input!" NPCA was engaged in a campaign against the extraction, asking people to comment to the BLM.


Now, a federal judge has issued a repudiation of one of President Trump’s first acts as president, his decision to allow the disputed Keystone XL oil pipeline to proceed, saying that the administration failed to present a “reasoned explanation” for the move and “simply discarded” the effect the project would have on climate change.”

This means the administration must follow the required procedural steps, including environmental analysis, if it wishes to attempt to get approval of the pipeline.

John Paul Tasker and Kathleen Harris, "Liberals 'absolutely committed' to Trans Mountain after Federal Court of Appeal quashes construction approvals: Some Indigenous groups and environmentalists oppose $7.4B project," CBC News, August 30, 2018, https://www.cbc.ca/news/politics/tasker-trans-mountain-federal-court-appeals-1.4804495, reported, "In a stunning blow, the Federal Court of Appeal has quashed approvals to build the Trans Mountain expansion project, but the federal government is determined to proceed with the pipeline.

Today's ruling is a major victory for Indigenous groups and environmentalists opposed to the $7.4-billion project.

In the decision released Thursday, and written by Justice Eleanor Dawson, the court found the National Energy Board's assessment of the project was so flawed that it should not have been relied on by the federal cabinet when it gave final approval to proceed in November 2016.

The certificate approving construction and operation of the project has been nullified, leaving the project in legal limbo until the energy regulator and the government reassess their approvals to satisfy the court's demands."


Seeing growth and profit opportunities at a time of rising oil prices and a pro-business administration, big energy companies like Chesapeake Energy, Chevron, and Anschutz Exploration are seizing on the federal lands free-for-all, as they collectively buy up tens of thousands of acres of new leases and apply for thousands of permits to drill.

In total, more than 12.8 million acres of federally controlled oil and gas parcels were offered for lease in the fiscal year that ended on Sept. 30, triple the average offered during President Barack Obama’s second term, according to an analysis by The New York Times of Interior Department data compiled by Taxpayers for Common Sense, a nonpartisan group that advocates budget discipline.

Jie Jenny Zou, Center For Public Integrity, "The U.S. is helping the natural gas industry make a profit — at the expense of the environment: The U.S. government has become a pitchman for the natural gas industry. That could raise profits — and temperatures," December 12, 2018, https://www.texastribune.org/2018/12/12/us-helping-private-natural-gas-companies-
make-profit/, reported, "Last November, diplomats from Brazil to Japan joined oil and gas executives at the headquarters of Washington’s largest lobbying group to christen a new partnership.

Inside the marble walls of the U.S. Chamber of Commerce, a crowd of 200 welcomed the U.S. Gas Infrastructure Exports Initiative — a coalition of 25 companies, nine trade groups, five law firms, at least five federal agencies and a nonprofit think tank. Its mission: to drive sales of American natural gas by pumping dollars into pipelines and gas-processing facilities overseas.

The initiative, coordinated in part by a natural gas lobbyist, is the latest federal effort to market the fuel as a “clean” energy source amid surging U.S. drilling and exports. American gas production is projected to account for almost 40 percent of the world’s gas growth through 2040, according to the International Energy Agency. Countries like China are buying up tank loads of LNG — natural gas that has been supercooled to liquefy it — to generate power, heat buildings and fuel trucks."

Food and Water Watch reported by E-mail, November 17, 2018, “The oil & gas industry may DOUBLE well density in northern New Mexico!” Hilcorp Energy has submitted an application to the New Mexico Oil Conservation Commission that would result in thousands of new wells in San Juan and Rio Arriba Counties.

The New Mexico Oil Conservation Commission is holding a special hearing regarding this application on Monday, November 19 at 9 AM at the Wendell Chino Building in Santa Fe and they are accepting public comments online and in person.

Current rules require oil and gas operators to go through a public hearing process every time they seek an exemption that relates to the drilling, spacing, and operation of wells.

However, the Hilcorp energy application to double well density, currently in the hands of the Oil Conservation Commission, would take away this process, depriving impacted communities the opportunity to participate in the decision-making process at all.”


Sharon Kelly, "Fracking Wastewater Spikes 1,440 Percent in Half Decade, Adding to Dry Regions’ Water Woes," Truthout, August 18, 2018, https://truthout.org/articles/fracking-wastewater-spikes-1440-in-half-decade/, reported, "Between 2011 and 2016, fracked oil and gas wells in the US pumped out record-breaking amounts of wastewater, which is laced with toxic and radioactive materials, a new Duke University study concludes. The amount of wastewater from fracking rose 1,440 percent during that period."
Over the same time, the total amount of water used for fracking rose roughly half as much, 770 percent, according to the paper published Wednesday in the journal Science Advances.

"The researchers predict that spike in water use will continue to climb. And over the next dozen years, they say the amount of water used could grow up to 50 times higher when fracking for shale gas and 20 times higher when fracking for oil — should prices rise. The paper, titled “The Intensification of the Water Footprint of Hydraulic Fracturing,” was based on a study conducted with funding from the National Science Foundation."

"More Water Than Oil

The shale industry has been heavily focused on ramping up the amount of fossil fuels it can pump per well by drilling longer horizontal well bores and using more sand, water, and chemicals when fracking (which raises the costs per well and, as DeSmog recently reported, raises risks of water pollution).

But the water use and wastewater production per well have been growing even faster than the per-well fossil fuel production, the researchers found, labeling the water demand and wastewater growth 'much higher' than the oil or gas increases.

The researchers studied data from over 12,000 oil and gas wells representing each of the major shale-producing regions in the US. Their findings are particularly troubling news for arid areas like the Permian Basin in Texas and New Mexico, where underground water supplies are already taxed by residential and agricultural demand, and where fights over water use are brewing.

On average, a Permian Basin well used 10.3 million gallons of water in 2016, according to a San Antonio Express-News investigation earlier this year — more than double the average per-well demand just a few years ago."

'One of the biggest risks facing operators today is the issue of produced water,” wrote Ryan Duman, a Wood Mackenzie senior energy analyst, describing how in parts of Texas and New Mexico, wells can produce up to 10 gallons of wastewater for every gallon of crude oil. “The sheer volume of water is unprecedented.”

And that wastewater can be a toxic blend that’s very difficult to treat, in part because it may contain high levels of corrosive salts, naturally occurring radioactive materials, and fracking chemicals whose identities are considered trade secrets and which even the US Environmental Protection Agency can’t list.

The agency highlighted this fact in its 2016 national study on fracking and American drinking water supplies. While drafted under strong pressure from industry, the EPA study found that fracking not only generates vast amounts of wastewater but also can and has polluted drinking water supplies in areas nationwide."

"Wastewater disposal — which often uses “injection wells” that pump toxic water down underground into areas where oil has been pumped out — is suspected not only of playing a role in causing earthquakes across the US, but also linked by scientists to the emergence of massive sinkholes in parts of Texas."

"Wringing Water from the Desert

The industry’s demand for water during fracking is also a growing concern, especially in the Permian Basin, which produces most of America’s shale oil and which stretches in part over the Chihuahuan Desert.
Summer temperatures in the Permian can often top 100 degrees. The average annual rainfall in Pecos, Texas, located in the basin, is just 11.55 inches (compared to a Texas-wide average of 28.9 inches a year). Much of New Mexico has been in the grips of a severe drought since the year began, and the same is true to a lesser degree in Texas as well.

This means demand for water for drilling and fracking is one of the biggest challenges facing the industry. 'Next to profitability and safety, water may well be the next most important topic for an oil company,' Laura Capper, CEO at EnergyMakers Advisory Group in Houston, told Bloomberg. 'It has risen to the forefront over the last five years unlike anything I've ever seen.'

Sharon Kelly, "How Trump’s EPA Is Moving to Undo Fracking Wastewater Protections," Truthout, May 15, 2018, https://truthout.org/articles/how-trump-s-epa-is-moving-to-undo-fracking-wastewater-protections/ Back in 2008, residents of Pittsburgh, Pennsylvania, and surrounding areas received a notice in the mail advising them to drink bottled water instead of tap water — a move that Environmental Protection Agency (EPA) internal memos at the time described as 'one of the largest failures in US history to supply clean drinking water to the public.'

The culprit: wastewater from oil and gas drilling and coal mines. This included fracking wastewater that state officials had allowed to be dumped at local sewer plants — facilities incapable of removing the complex mix of chemicals, corrosive salts, and radioactive materials from that kind of industrial waste before they piped the 'treated' water back into Pennsylvania’s rivers.

The levels of corrosive salt in some of the oil and gas wastewater was so high that at some sewage plants, it was suspected of killing off the “good bacteria” that removes fecal coliform and other dangerous bacteria from raw sewage."

"Eight years after the Pittsburgh incident, in 2016, the EPA finished writing the rules that would stop that kind of failure from reoccurring, specifically forbidding sewage treatment plants from accepting untreated wastewater from fracked wells."

Now, the Trump administration’s EPA is announcing that it wants to study the industry’s wastewater all over again. The Trump-era study will examine oil and gas wastewater, asking, in the administration’s words, “whether any potential federal regulations that may allow for broader discharge of treated produced water to surface waters are supported.”

In other words, Trump’s EPA is questioning whether the rules should be changed, allowing wastewater from oil and gas wells, including fracked wells, to make its way into America’s rivers, streams, lakes, and reservoirs after some treatment."

In a move that outraged environmentalists and increased the chances of deadly and destructive accidents, the Trump administration's Department of Transportation (DOT) has repealed an Obama-era rule that mandated safety upgrades for "dangerous" oil tanker trains to reduce the possibility of derailments, explosions, and spills.

The rule required trains carrying oil and other flammable materials—sometimes called ‘bomb trains’—to install electronically controlled pneumatic (ECP) brakes that decrease the likelihood of derailment by 2021.

While it was initially criticized by green groups that said it did not go far enough to protect communities, the Monday reversal was regarded as yet another move by the administration to appease polluters at the expense of the public.

‘Apparently there's no limit to the lengths the Trump administration will go,' Martin said, ‘to prioritize the desires of polluting industries over the health and safety of the American people.'

The repeal was initially proposed in December of 2017, but finalized by the DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) on Monday. PHMSA claimed that a congressionally-mandated analysis concluded "that the expected costs of requiring ECP brakes would be significantly higher than the expected benefits of the requirement." The change does not prevent railroads from using ECP brakes but the safety upgrade is no longer mandated.

‘The electronically controlled brakes would have been a long-awaited safety improvement,' Fred Millar, an independent consultant specializing in chemical safety and transport, told BuzzFeed News.

By repealing the safety requirement, Millar added, ‘the cost will be borne by the people who die or are injured or who have terrible property damage.'

‘About 20 derailments of trains carrying oil and ethanol that have led to spills, fires, and, in some cases, evacuations have occurred since 2010 in the U.S. and Canada,’ according to Fortune.

Perhaps of the most high-profile derailment in recent years occurred in Quebec in 2013. A train carrying crude oil derailed and exploded, destroying the small downtown of Lac-Mégantic and killing 47 people. Five years after the tragedy, CBC reported in July, rail safety advocates say the Canadian government also has not done enough to prevent future disasters.

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Jessica Corbett, "'Moving in the Right Direction,' Mexican President-elect AMLO Promises to Outlaw Fracking: 'Environmentalists are urging him to "move even farther by pledging to transition Mexico to a fully clean, renewable energy future." Common Dreams, August 02, 2018, https://www.commondreams.org/news/2018/08/02/moving-right-direction-mexican-president-elect-amlo-promises-outlaw-fracking?cd-origin=rss&utm_term=%27Moving%20in%20the%20Right%20Direction%2C%27%20Mexican
President-elect Andrés Manuel López Obrador, or AMLO, whose victory last month left many hopeful for the nation's next chapter, elicited praise from environmentalists for promising Wednesday to outlaw hydraulic fracturing, a controversial method of extracting natural gas that's often called fracking.

Fossil Free News reported via E-mail, August 5, 2018, "Three cities in Mato Grosso do Sul state in Brazil passed municipal fracking bans, thanks to concerted grassroots campaigning. Nova Alvorada do Sul, Bataguassu, and Rio Negro join over 380 other cities across Brazil to have banned fracking.

Unfortunately, other places have backslid. On July 24, one day before summer recess, the UK government approved the first fracking site in the country after a decade of debate. Local groups there, like the community around the site in Lancashire, have been mobilizing to stop and ban fracking. The UK government is also trying to change the law to allow fracking without local planning applications. Find out more about what people are doing to stop them."

Seven years after being stopped from drilling in England, because of causing small earth quakes, Cuadrilla Resources was given permission to attempt drilling again, on a go slow, monitored basis, in October 2018 (Stanley Reed, "Britan Gives fracking Another Try," The New York Times, October 12, 2018).

Shasta Darlington, "Illegal Mining, ‘Worse Than at Any Other Time,’ Threatens Amazon, Study Finds," The New York Times, December 10, 2018, https://www.nytimes.com/2018/12/10/world/americas/amazon-illegal-mining.html, reported, "Fueled by the surging price of gold, an epidemic of illegal gold mining in the Amazon is threatening indigenous territories and other protected lands in the world’s largest tropical rain forest, according to a study published by a group of environmental organizations this week.

Analyzing data from six Amazon countries, researchers identified 2,312 illegal mining sites and 245 large-scale areas where miners have established sophisticated infrastructure, tearing down native forests and contaminating rivers with mercury as they dredge for gold and extract diamonds and coltan, which are used to make mobile phones. 'The problem is worse than at any other time in history,' said Alicia Rolla, one of the coordinators at the Amazon Geo-Referenced Socio-Environmental Information Network, known as RAISG, which published the study this week. 'We wanted to give visibility to the enormity of an issue that doesn’t respect borders.'"
"Brazil’s recent election of Jair Bolsonaro, a far-right former army captain who has vowed to end the 'industry' of fines imposed on companies that violate environmental laws, and halt the demarcation of indigenous lands, could represent a serious setback."

"Mr. Bolsonaro has made it clear he favors allowing more commercial activity in the Amazon, and wants to slash the budgets of government agencies that monitor and punish illegal activity there."

And mining, which leads to heavy metal pollution of water among other serious damage, is not the only issue. "Experts say illegal logging and land invasions in the Brazilian Amazon rose as Mr. Bolsonaro gained traction ahead of his election in October. Between August 2017 and July 2018, deforestation rose 13.7 percent, the highest increase in a decade, according to Brazil’s Environment Ministry." And now it will almost surely get worse.

Anne Barnard, "Climate Change Is Killing the Cedars of Lebanon," The New York Times, July 18, 2018, https://www.nytimes.com/interactive/2018/07/18/climate/lebanon-climate-change-environment-cedars.html?em_pos=large&emc=edit_clim_20180719&nl=&nlid=52235981it_clim_20180719&ref=img&te=1, reported, "Walking among the cedars on a mountain slope in Lebanon feels like visiting the territory of primeval beings. Some of the oldest trees have been here for more than 1,000 years, spreading their uniquely horizontal branches like outstretched arms and sending their roots deep into the craggy limestone. They flourish on the moisture and cool temperatures that make this ecosystem unusual in the Middle East, with mountaintops that snare the clouds floating in from the Mediterranean Sea and gleam with winter snow.

But now, after centuries of human depredation, the cedars of Lebanon face perhaps their most dangerous threat: Climate change could wipe out most of the country’s remaining cedar forests by the end of the century."

Nicholas Casey, "As Seas Warm, Galápagos Islands Face a Giant Evolutionary Test," The New York Times, December 18, 2018, https://www.nytimes.com/interactive/2018/12/18/climate/galapagos-islands-ocean-warming.html, reported," Yet not even Darwin could have imagined what awaited the Galápagos, where the stage is set for perhaps the greatest evolutionary test yet. As climate change warms the world’s oceans, these islands are a crucible. And scientists are worried. Not only do the Galápagos sit at the intersection of three ocean currents, they are in the cross hairs of one of the world’s most destructive weather patterns, El Niño, which causes rapid, extreme ocean heating across the Eastern Pacific tropics.

Research published in 2014 by more than a dozen climate scientists warned that rising ocean temperatures were making El Niño both more frequent and more intense. UNESCO, the United Nations educational and cultural agency, Islands are one of the places most vulnerable to the impacts of climate change."

An indication of what is to come is the terrible impact of the last strong El Nino. The very warm waters blocked the rise of nutrients. This resulted in the deaths of the islands' sea born iguanas, while others survived only by shrinking their skeletons. Nearly all of the sealion pups died, as did 80% of the pelicans, and seabirds ceased laying eggs, while the small fish, the Galapagos damsel, vanished. Meanwhile, storms leveled giant daisy tree forests, which were replaced by invasive thorny bushes.
power in the face of the Trump administration’s efforts to dismantle it.”

The International Fund for Animal Welfare (IFAW), December 12, 2018, http://links.mkt4012.com/servlet/MailView?ms=MjA3MDg0MzAS1&r=MzYwMjQ2NTgxMwS2&j=MTQwMDc1NzUyNgS2&mt=1&rt=0, reported, "Animals in Queensland are in crisis as a record-breaking heatwave and subsequent bushfires scorch the state. Thousands of flying foxes and black bats are dropping from the sky due to heatstroke, leaving hundreds of orphaned babies in need of specialized care. Koalas are suffering from severe dehydration and will need ongoing care before they can be released back to the wild."

Somini Sengupta, "Ireland Moves to Divest From Fossil Fuels: A bill passed in the lower house of Parliament was a victory for the global divestment movement," The New York Times, July 12, 2018, https://www.nytimes.com/2018/07/12/climate/ireland-fossil-fuels-divestment.html?rref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=11&pgtype=collection, reported, "Ireland on Thursday moved to pull its public funds out of fossil fuels, a development that marks the most significant advance to date for a divestment campaign pushed by environmentalists worldwide. The lower house of Parliament passed a bill that requires the country’s sovereign fund, valued at 8.9 billion euros, or about $10.4 billion, to move out of fossil fuels 'as soon as practicable.'"

Mark Oswald, "BLM oil, gas leases on forest lands overturned: Environmentalists cheer 'precedent-setting' ruling from U. S. district judge," Albuquerque Journal, June 16, 2018, https://www.abqjournal.com/1185042/judge-sets-aside-drilling-leases-in-santa-fe-forest.html, reported, "Environmentalists have won what they say is a precedent-setting court decision that overturns oil and gas leases on more than 19,000 acres in the Santa Fe National Forest that the Bureau of Land Management approved in 2015. Senior U. S. District Judge Christina Armijo of Albuquerque on Thursday ordered the BLM to conduct further analysis on environmental impact of the potential drilling. Most significantly, the judge found that federal environmental law requires the BLM to consider the 'downstream' and cumulative impacts on climate change of the use of the fuel produced from oil and gas leases on public lands. Armijo wrote that federal law acknowledges that the impact of one action alone' may be individually insignificant, but also that the impact of the action may be significant only in combination with other actions.' 'It is this broader, significant 'cumulative impact' which must be considered by an agency, but which was not considered in this case,' Armijo's ruling states."

"Study Suggests Buried Internet Infrastructure at Risk as Sea Levels Rise (eurekalert.org), Posted by msmash on Slashdot, July 16, 2018, https://tech.slashdot.org/story/18/07/16/1845246/study-suggests-buried-internet-infrastructure-at-risk-as-sea-levels-rise, reported, "Thousands of miles of buried fiber optic cable in densely populated coastal regions of the United States may soon be inundated by rising seas,
Global warming induced climate change is playing a major role in a serious increase in diabetes in Southern Chaiapas. One of the rainiest parts of Mexico is less wet than before, with climate change, and with a Coca Cola plant taking 300,000 gallons a day from the ground, artesian wells are drying up, bringing a severe water shortage. With many household taps only occasionally flowing with small amounts of heavily chlorinated water, many people are drinking large quantities of sweet soft drinks. That in turn is a major contributor to the rise in diabetes (Oscar Lopez and Andrew Jacobs, "In Town With Little Water, Coca-Cola Is Everywhere. So Is Diabetes," The New York Times, July 14, 2018, https://www.nytimes.com/2018/07/14/world/americas/mexico-coca-cola-diabetes.html?rref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=10&pgtype=collection).

In England, Ireland, Scotland and Wales, normally wet and lush areas were brown and after weeks of heat and no rain for weeks, summer of 2018, leading to rare brush fires and agricultural losses (Ceylan Yeginsu and Richard Perez-Pena, "England's Brown and Unpleasant Land," The New York Times, July 5, 2018).


A downpour on Monday during what is usually a dry time of year sent a flash flood down the Raganello Gorge, a popular destination for hikers in the Calabria region, overwhelming people with a surge that suddenly rose as much as eight feet, witnesses said. At least five people were missing on Tuesday."

The unusual heat in the Indian sub-continent in Spring 2018 has been paired with drought. Maria Abi-Habib and Hari Kumar, "Deadly Tensions Rise as India’s Water Supply Runs Dangerously Low," The New York Times, June 17, 2018,
India was experiencing the worst water crisis in its history, threatening millions of lives and livelihoods. Some 600 million Indians, about half the population, face high to extreme water scarcity conditions, with about 200,000 dying every year from inadequate access to safe water, according to the report. By 2030, it said, the country’s demand for water is likely to be twice the available supply."

An example is Shimla, on the edge of the Himalaya Mountains, in colonial times if was the British summer capital of India, where officials could go and escape the heat. It has been a major tourist location. But there has been an extreme water shortage this spring, along with unusually hot weather, with water often not available in sections of the city for 20 days in May has found angry residents casting blame at various parties for the water crisis. Meanwhile, 30 percent of tourist reservations at hotels have been canceled, threatening the municipality's economy. Some of the reservations were canceled by tourists, others by the hotels.


In response, state officials in New South Wales announced a new assistance package on Monday worth 500 million Australian dollars, or about $370 million, that will expand existing loan programs and subsidize transportation for shipments of feed and water. The package also includes funding for mental health and critical services like road repair.

But is it enough?

Farmers across the affected region, an area of southeastern Australia larger than Texas that has not seen substantial rain in two years, said they were grateful but certain: It’s not even close."


The toxic algal bloom, known as a red tide, is not unusual. They appear off the state’s coast almost every year. But this one, still going strong after roughly nine months, is the longest since 2006, when blooms that originated in 2004 finally abated after 17 months.

The blooms can poison marine animals like sea turtles and manatees, while waves and ocean spray can carry toxins into the air and cause respiratory problems in people."
Maya L. Kapoor, "Climate change is making it harder to revive damaged land," High Country News, June 29, 2018, https://www.hcn.org/issues/50.13/climate-change-climate-change-is-making-it-harder-to-revive-damaged-lands?utm_source=nmpoliticalreport&utm_medium=web, "Today, Campbell is the restoration director for Sky Island Alliance, a nonprofit conservation organization based in Tucson, Arizona. She leads efforts to re-establish native plant communities in 'sky islands' — isolated, ecologically rich mountain ranges that dot southeastern Arizona and New Mexico and northern Sonora, Mexico, and serve as home to some 7,000 species of plants and animals. Under Campbell’s guidance, Sky Island Alliance restores riparian habitat that’s been overrun by invasive species, such as fountaingrass, which crowds out local species and transforms the desert into fire-prone grassland.

The point of Campbell’s job used to be relatively straightforward: She attempted to conserve local biodiversity by re-establishing the wild spaces where native plant and animal species once lived. But given the planet’s rapid climate shifts, the connections between wild organisms and their ecosystems are fraying, forcing restoration biologists, including Campbell, to rethink the purpose of their work. It no longer helps to remember what a site looked like 20 years ago. 'We need to be thinking about what it’s going to be like 20 years into the future,' she said.

"But increasingly, scientists who study ecosystems, as well as land managers who do restoration work, are questioning that model of ecological restoration, which relies on the idea of a stable 'climax community,' even though many ecosystems are always changing."

As California now has sufficient solar and wind power, that at times its electric utilities need to give away, or even pay to have taken away, excess power, the City of Los Angeles has proposed building a pumping station below Hoover dam to pump water back into Lake Mead above the dam when there is excess power, so the dam's hydroelectric generators can provide electricity when needed, especially when the sun is not shining or the wind blowing sufficiently. The project would cost about $3 billion, currently cheaper than an equivalent amount of storage batteries, and would reduce the amount of electricity that needed to be supplied by burning fossil fuels (Steve Hanley "City Of Los Angeles Wants To Turn Hoover Dam Into World’s Largest Pumped Energy Storage Facility," Clean Technica, July 26th, 2018, https://cleantechnica.com/2018/07/26/city-of-los-angeles-wants-to-turn-hoover-dam-into-worlds-largest-pumped-energy-storage-facility/).


"China has wide-ranging climate policies, enshrined in the national Five-Year Plans and in blueprints at provincial and local levels. As a result, the report says, it is on its way to meeting major climate change goals, including lowering a measure known as carbon intensity, having
carbon dioxide emissions reach a peak no later than 2030 and having a fifth of energy come from non-fossil-fuel sources by that year.

At the same time, the report says, if China’s carbon emissions continue at the current pace, nations will find it harder to meet important climate change policy goals — most notably limiting the average global temperature increase to 3.6 degrees Fahrenheit, or 2 degrees Celsius, above preindustrial levels.

Even if China’s emissions decrease after 2030, that goal could be much harder to achieve unless they then drop rapidly.

In 2017, China emitted 11.7 billion metric tons of heat-trapping gases, a quarter of the world’s total. That included 9.2 billion metric tons of carbon dioxide, the gas most responsible for accelerated climate change, more than the total for the United States and the European Union combined.

After two years of holding steady, China’s carbon dioxide emissions increased in 2017, with leading estimates ranging from 1.4 percent to 4.1 percent growth, the report says. That was largely because it burned more coal, the main source of emissions."

The question is how successful China will be in shutting down coal burning and switching to renewables.


Scientists from Harvard” and two Chinese universities reported that emissions of formaldehyde — principally from vehicles and chemical and oil refineries — played a larger role than previously understood in producing the thick, toxic pollution that chokes much of the country each winter.” The other major smog making pollutant, Sulphur dioxide, had already been greatly reduced. The finding will allow China to further reduce choking smog.

The Great Barrier Reef off Australia is deteriorating increasingly quickly as hot spells in the ocean become more frequent and more often (Jacqueline Williams, "Deterioration of Great Barrier Reef Quickens," The New York Times, July 5, 2018).

Andrea Elyse Messer, "Self-heating, fast-charging battery makes electric vehicles climate-immune," Penn State News, June 28, 2018, "Californians do not purchase electric vehicles because they are cool, they buy EVs because they live in a warm climate. Conventional lithium-ion batteries cannot be rapidly charged at temperatures below 50 degrees Fahrenheit, but now a team of Penn State engineers has created a battery that can self-heat, allowing rapid charging regardless of the outside chill."

The Trump administration on Thursday put forth its long-awaited proposal to freeze antipollution and fuel-efficiency standards for cars, significantly weakening one of President Barack Obama’s signature policies to combat global warming.

The proposed new rules would also challenge the right of states, California in particular, to set their own, more stringent tailpipe pollution standards. That would set the stage for a legal clash that could ultimately split the nation’s auto market in two.” There is a high probability that the regulation preventing tougher state standards would be thrown out in court, as that state authority is created by federal statute. If it were upheld, the states could get around it by using their taxing power.

“Thailand: Protect Environmental Defenders, Ensure Remedies: New report reveals decade of violations against environmental defenders in Loei Province,” Fortify Rights, October 2, 2018, https://www.fortifyrights.org/downloads/We_Fight_to_Protect_Our_Home-Fortify_Rights_Report-EN.pdf, reported, ‘Thai authorities and a Thai gold-mining company have targeted and violated the rights of local environmental defenders involved in opposing a gold mine in northeastern Thailand for more than a decade, Fortify Rights said today in a new report. The Government of Thailand should investigate and prosecute perpetrators who attacked local community members and provide remedies and reparations for those whose rights were abused and violated.

‘This community is facing ongoing reprisals for standing up for their environment, their rights, and their livelihoods for years,” said Amy Smith, Executive Director of Fortify Rights. ‘The Thai government must ensure environmental defenders can carry out their legitimate work without fear of abuse or retaliation.’

The new report, “We Fight to Protect Our Home:” Reprisals Against Environmental Defenders in Loei Province, Thailand, documents ten years of abuses against a mining-affected community in Wang Sa Phung District, Loei Province. Documented abuses and violations include judicial harassment, arbitrary detention, death threats, and violations of the rights to freedom of expression, peaceful assembly, and a healthy environment. The report exposes unchecked environmental contamination of rivers and streams surrounding the gold mine as well as impunity for a coordinated, violent attack by a soldier-led masked militia against community members in 2014.”


The gas, trichlorofluoromethane, or CFC-11, is supposed to be phased out worldwide under the Montreal Protocol, the global agreement to protect the ozone layer. In May, however, scientists published research showing that CFC-11 levels in the atmosphere had begun falling more slowly. Their findings suggested significant new
Emissions of the gas, most likely from East Asia.

Evidence then uncovered by The New York Times and the Environmental Investigation Agency pointed to rogue factories in China as a likely major source.”


With Republican governments in numerous states and the Trump administration reducing what regulations and budgets for inspections that protect water, the issue has become an intense one for the midterm elections in many rural areas. In many cases the water so contaminated that many people will not drink it or provide it for livestock, and are reluctant to shower in it.

“There are no precise water-quality surveys of the galaxy of private wells that serve 43 million people in the United States, but sampling by the United States Geological Survey has found contamination in about one of every five wells.”

“In Wisconsin, a state report recently found that as many as 42,000 of the state’s 676,000 private wells, or 6 percent, were likely to exceed the federal health standards for nitrates, which can come from fertilizer use and manure spreading. Nitrates have been linked to a dangerous blood condition in babies and may increase cancer risks in adults.”

World-wide, a new study finds that air pollution, which in varying concentrations is most everywhere, on average takes at least a year off people's life expectancy - and far more in some places (Somini Sengupta, "In the Air Everywhere You Go, And Taking Weeks Off Your Life," The New York Times, August 23, 2018).


An order published on the department’s website in mid-May outlines new limits on the Defense Nuclear Facilities Safety Board — including preventing the board from accessing sensitive information, imposing additional legal hurdles on board staff and mandating that Energy Department officials speak 'with one voice' when communicating with the board."

Act, the law that brought the bald eagle and the Yellowstone grizzly bear back from the edge of extinction but which Republicans say is cumbersome and restricts economic development.

The proposed revisions have far-reaching implications, potentially making it easier for roads, pipelines and other construction projects to gain approvals than under current rules. One change, for instance, would eliminate longstanding language that prohibits considering economic factors when deciding whether or not a species should be protected.

The agency also intends to make it more difficult to shield species like the Atlantic sturgeon that are considered 'threatened,' which is the category one level beneath the most serious one, 'endangered.'

Coral Davenport, “Trump Drilling Plan Threatens 9 Million Acres of Sage Grouse Habitat,” The New York Times, December 6, 2018, https://www.nytimes.com/2018/12/06/climate/trump-sage-grouse-oil.html, reported, “The Trump administration on Thursday detailed its plan to open nine million acres to drilling and mining by stripping away protections for the sage grouse, an imperiled ground-nesting bird that oil companies have long considered an obstacle to some of the richest deposits in the American West.”


A report from the E.P.A.’s Office of Inspector General said management weaknesses hobbled the agency’s response to the lead and other contaminants that poisoned Flint’s drinking water for more than a year and that federal officials should have taken stronger action to correct repeated blunders by state regulators."

Lisa Friedman, "E.P.A. Staff Objected to Agency’s New Rules on Asbestos Use, Internal Emails Show

"The E.P.A. says it is toughening oversight. However, the way its new rule is written has spawned a spirited debate over whether it will actually make it easier for asbestos to come back into more widespread use. Consumer groups say the agency should be looking for ways to prohibit asbestos entirely."
As well known movers for weakening and removing environmental regulations continue to be appointed to key positions in EPA, Peter C. Wright, a lawyer long involved with the Dow Chemical Company and in developing its strategy for dealing with environmental issues, has become in charge of the Superfund toxic cleanup program (Hiroko Tabuchi and Tryggyvi Adalbjorson, "Dioxin Lawyer' Is Poised to Lead Superfund Sites," The New York Times, July 29, 2018).

Damien Cave and Isabella Kwai, "Australian Prime Minister Abandons Climate Targets, Bowing to Party Pressure," The New York Times, August 20, 2018, https://www.nytimes.com/2018/08/20/world/australia/turnbull-energy-emissions-climate-change.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=hightlights&contentPlacement=2&pgtype=collection, reported, 'Prime Minister Malcolm Turnbull of Australia abandoned plans for emission targets Monday, bowing to pressure from conservatives who considered toppling Mr. Turnbull’s government over an energy policy that aimed to reduce prices and bring the country into line with international climate change commitments.'

It was reported in May 2018, that there had been a sudden increase in the internationally banned production of CFC-11, which destroys the ozone layer of the atmosphere, letting in destructive levels of ultra-violate radiation. It now appears that the major source of the current increase in production of CFC-11 is a group of factories in Xingfu, China who in order to save money have ignored the ban on CFC-11, particularly in making insulation foam (Chris Buckley and Henry Fountain, "In a High-Stakes Environmental Whodunit, Many Clues Point to China," The New York Times, June 24, 2018, https://www.nytimes.com/2018/06/24/world/asia/china-ozone-cfc.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=hightlights&contentPlacement=2&pgtype=collection).


Pakalolo, "Wildfires are raging inside the Arctic Circle," Daily Kos, July 19, 2018, https://www.dailykos.com/stories/2018/7/19/1781850/-Wildfires-are-raging-inside-the-Arctic-Circle?detail=emaiddkre, reported, "Dozens of wildfires are raging in parts of Russia, Norway, Finland and Sweden. Eleven of the fires are within the Arctic Circle. The fires are a result of a dry and intense heatwave that has turned large swaths of Europe into a tinderbox.

Sweden has seen the most extensive Arctic fires, which have forced four communities to evacuate, according to The Guardian. The Swedish government has requested emergency assistance from the European Union to help put out the flames.

The Copernicus Earth observation programme, which gives daily updates of fires in Europe, shows more than 60 fires burning across Sweden, with sites also ablaze in Norway, Finland and Russia, including in the Arctic Circle."
burning across Sweden, with sites also ablaze in Norway, Finland and Russia, including in the Arctic Circle.”

Pakalolo "Vietnamese farmers are migrating en masse to escape climate change," Daily Kos, July 20, 2018, https://www.dailykos.com/stories/2018/7/20/1770573/-Vietnamese-farmers-are-migrating-en-masse-to-escape-climate-change?detail=emailkre. reported." "At the Southern end of Vietnam lies the Mekong Delta. It’s Vietnamese name, Cuu Long means “Nine Dragons,” referring to the nine rivers that come from six countries, and meet there, ending a journey of several thousand kilometres to the sea. The Mekong Delta is the most fertile area in Vietnam, and also the most fragile. It is the country’s rice bowl, and it is now slowly sinking into the sea." Kannicker Petchkaew

The Mekong Delta is one of Earth’s most fertile areas for agriculture. The land is carpeted with lush green vegetation with rice paddies and fruit trees that feed a third of the nation and in addition, provides 60 percent of its shrimp and fish. Like all river deltas, the Mekong brings minerals from upstream and deposits them across the delta. The river delta provides tons of all the minerals and elements that a food crop needs to grow, it can grow more plants per acre than regular soil, which is limited in nutrients.

The Mekong Delta is the only place in the entire river basin where rice can be grown and harvested 7 times a year. But climate change and other human activity has begun to turn this oasis into a waste land. The delta is rapidly urbanizing and that is requiring more extraction of groundwater to provide for the needs of a burgeoning population. The water extraction projects have caused many local waterways to sink and dry up providing seawater an entry way into the delta poisoning the rich soil. Meanwhile, erosion and drought is affecting productivity while leaving homes and infrastructure to collapse.”

Increasing and longer lasting algae blooms, including of toxic algae blooms, have been a problem in fresh and salt water all over the world in recent years. There are several causes, but the two most important in many cases are warming water, and runoff of fertilizer from farms. In the summer of 2018, Laske Superior on the U.S. Canada border has the largest algae bloom in its known history (Christine Hauser, "Algae Bloom in Lake Superior Raises Worries on Climate Change and Tourism,” The New York Times, August 29, 2018, https://www.nytimes.com/2018/08/29/science/lake-superior-algae-toxic.html?ref=collection%20issuecollection%20today%27s-new-york-times&action=click&contentCollection=today%20paper&region=rank&module=package&version=highlights&contentPlacement=2&pgtype=collection).

Coral Davenport, “Trump Rule Would Limit E.P.A.’s Control Over Water Pollution,” The New York Times, December 6, 2018, https://www.nytimes.com/2018/12/06/climate/trump-water-pollution-wotus-replacement.html, reported, “The Trump administration is expected to put forth a proposal on Tuesday that would significantly weaken a major Obama-era regulation on clean water, according to a talking points memo from the Environmental Protection Agency that was distributed to White House allies this week.”

A large study in China suggests a link between air pollution and negative effects on people's language and math skills.

The link between pollution and respiratory diseases is well known, and most experts now believe that small particulates may also raise the risk for strokes and heart attacks. Whether this form of air pollution impairs cognition is not yet certain, but several studies have hinted at a connection.

In the face of Trump administration rollbacks on pollution controls, discussion has been coming to the forefront on the ill effects of pollution. The direct health effects are known, though not always considered. For example, many chemicals and smoke, including from wild fires, aggravate people's airways and can trigger asthma attacks. Carbon monoxide, among other toxic chemicals, in the air can have a variety of harmful affects, and in high enough concentration cause grogginess, dizziness or much worse, up to death. But these and other health harms also have economic consequences. They often lower the ability to work, and to work well, reducing productivity and causing errors - which can be quite damaging. For young people - and also adult students - they often reduce ability to learn, reducing educational success. This lowers both personal economic achievement and contribution to the economy. Dealing with pollution related health issues is also financially expensive, for individuals and society. Then there are the direct harms that pollution causes to equipment and other property, requiring increased maintenance, repair and replacement (Austin Frakt, "Pollution Takes Long-Term Economic Toll," The New York Times, November 28, 2018).

Global Forest Watch released a report, in June, finding that 2017 suffered the second largest loss of the world's tropical forests in any year. Contributors of note to the loss included an explosion of logging and clearing of land for farming in Columbia, following the peace accord with the largest rebel group, and the flattening of trees in the Caribbean by particularly intense hurricanes (Brad Plumer, "Tropical Forests Suffered Near-Record Tree Losses in 2017," The New York Times, June 12, 2018).

Glenn Thrush, "In Overture to Democrats, Trump Administration May Challenge Peru on Deforestation," The New York Times, December 19, 2018, https://www.nytimes.com/2018/12/19/us/politics/us-peru-forest-trade.html, reported, "The Trump administration is considering an international challenge to Peru's deforestation of the Amazon, the first time the United States has prepared to act against a trading partner for violating environmental standards in a trade agreement, according to people with knowledge of the proposed action.

In a signal to Democrats that he is willing to act aggressively on issues they consider important, the United States trade representative, Robert Lighthizer, is considering challenging Peru's decision to dismantle an agency created to stop the illegal harvesting of trees in the Amazon rain forest under the 2007 United States-Peru Trade Promotion Agreement.

Jon Queally, “Beyond Neonics: New Study Shows Glyphosate Also Major Threat to World's Honey Bee Population: 'We need better guidelines for glyphosate use, especially


While it has been widely established by the scientific community that the class of pesticides known as neonicotinoïds (or neonicos) have had devastating impacts on honey bees and other pollinators, new research shows that Monsanto's glyphosate—the world's most widely used chemical weed-killer—is also extremely harmful to the health of bees and their ability to fend off disease.

Documented in a new study by scientists at the University of Texas at Austin and published in the Proceedings of the National Academy of Sciences, the findings show, according to the Guardian, that glyphosate negatively impacts ‘beneficial bacteria in the guts of honeybees and makes them more prone to deadly infections’ by damaging ‘the microbiota that honeybees need to grow and to fight off pathogens.’

Erick Motta, one of the researchers and co-author of the study, said, ‘We demonstrated that the abundances of dominant gut microbiota species are decreased in bees exposed to glyphosate at concentrations documented in the environment.’

Based on their study, Motta and her colleagues are urging farmers and homeowners to avoid spraying glyosphate-based herbicides on flowering plants that are likely to attract bees. Bee experts and advocates worldwide in recent years have been warning that humanity's insatiable use of pesticides has been causing serious harm to bee populations that are essential to the global food supply.

While previous research has shown that use of glyphosate—the main active ingredient in Monsanto's pesticide Roundup—indirectly harms bees by devastating certain flowers on which they depend, the new research is significant for showing the direct harm it has on the health of bees.

‘The biggest impact of glyphosate on bees is the destruction of the wildflowers on which they depend,’ Matt Sharlow, with the conservation group Buglife, told the Guardian. ‘Evidence to date suggests direct toxicity to bees is fairly low, however the new study clearly demonstrates that pesticide use can have significant unintended consequences.’

According to Motta, ‘We need better guidelines for glyphosate use, especially regarding bee exposure, because right now the guidelines assume bees are not harmed by the herbicide. Our study shows that's not true.’

Speaking to The Advocate, Professor Dave Goulson, a bee expert from the University of Sussex, added: ‘Those of us that study bees have long ago come to the conclusion that colony health is adversely affected by a number of interacting stressors, including exposure to cocktails of insecticides and fungicides, impacts of pathogens, and effects of poor nutrition.’
Now, he said, ‘It now seems that we have to add glyphosate to the list of problems that they face.’

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Walking among trees laden with shiny red cherries, Mr. Freese recalled that four years ago his trees were not producing well and his farm was financially struggling. Like many growers, he had been relying on rented honeybees to pollinate his cherry trees every spring, along with wild bees and other insects.

But that year, spring was expected to be cool. 'Honeybees will just sit in the hive in cooler weather,' Mr. Freese said. He needed a way to ensure more flowers would develop into fruit than in the past.

At a horticulture meeting, he learned that blue orchard bees — a native species that doesn’t make honey or live in hives — could be used to supplement honeybee pollination. Blue orchard bees will fly at cooler temperatures.

Mr. Freese bought 12,000 cocoons and set them in his orchard to emerge when the trees bloomed. His investment paid off. 'We doubled our cherry production from any previous record year,' he said.

"The Freese orchard is one of many commercial agricultural operations around the United States considering pollination with alternative bee species now that the honeybee is beset by problems."


But a new study based on modeling shows that they’re lingering in the blubber of killer whales — and they may end up wiping out half the world’s population of killer whales in coming decades.

'It certainly is alarming,' said Jean-Pierre Desforges, a post-doctoral researcher at Aarhus University in Denmark and the lead author on the new study published Thursday in the journal Science.

Whales sit at the top of their food chain. Chemicals like PCBs are taken up by plankton at the base of the food chain, then eaten by herring and other small fish, which are themselves eaten by larger fish, and so on. At each step in this chain, PCBs get more and more concentrated. The most at-risk killer whales are those that eat seals and other animals that are themselves fairly high on the food chain and quite contaminated, Dr. Desforges said."

to approve new abilities for the fossil fuel industry to conduct widespread and ‘deafening’ underwater seismic in federal waters off the U.S. Atlantic coast.

The decision is expected to come from the National Marine Fisheries Service, a division of the Commerce Department, but conservation groups say it is a smack in the face to ocean ecosystems and a political nonstarter they vow to fight tooth and nail.

‘This action flies in the face of massive opposition to offshore drilling and exploration from over 90 percent of coastal municipalities in the proposed blast zone,’ said Diane Hoskins, campaign director at Oceana. ‘These permits were already denied because of the known harm that seismic airgun blasting causes. President Trump is essentially giving these companies permission to harass, harm and possibly even kill marine life, including the critically endangered North Atlantic right whale – all in the pursuit of dirty and dangerous offshore oil. This is the first step toward offshore drilling in the Atlantic and we're going to make sure coastal communities know what's happening and fight this.’

Michael Jasny, director of the Marine Mammal Protection Project at NRDC, said the president's action is totally detached from the reality of the threats the world's ecosystems now face.

‘Just one week after issuing dire warnings on the catastrophic fallout of climate change to come, the Trump Administration is opening our coastlines to for-profit companies to prospect for oil and gas—and is willing to sacrifice marine life, our coastal communities and fisheries in the process," fumed Jasny. "This is the first step towards drilling and scientists warn that seismic activity alone could drive the endangered North American right whale to extinction. We'll stand with citizens, coastal businesses, scientists, lawmakers, and commercial and recreational fishermen who oppose seismic blasting, and we will fight this illegal action.’

According to the Washington Post:

‘In addition to harming sea life, acoustic tests — in which boats tugging rods pressurized for sound emit jet engine-like booms 10 to 12 seconds apart for days and sometimes months — can disrupt thriving commercial fisheries. Governors, state lawmakers and attorneys general along the Atlantic coast say drilling threatens beach tourism that has flourished on the coast in the absence of oil production.

Seismic testing maps the ocean floor and estimates the whereabouts of oil and gas, but only exploratory drilling can confirm their presence. The Deepwater Horizon oil spill that soiled the Gulf of Mexico resulted from an exploratory drill. Another gulf disaster that looms almost as large has spewed oil for more than 14 years. The Taylor Energy Co. spill of up to an estimated 700 barrels a day started when a hurricane ripped up production wells, and could continue for the rest of the century, according to the Interior Department.

‘Seismic blasting is a violent, destructive precursor to unnecessary offshore oil drilling,’ said Angela Howe, Surfrider Foundation Legal Director, in a statement. "According to estimates from the Bureau of Ocean Energy Management (BOEM), the seismic exploration projects could directly harm tens of thousands of whales and dolphins, in addition to thousands of manatees, seals, and sea turtles. This type of damage to our coastal resources is unacceptable. The Surfrider Foundation and our strong coalition of allies will stand up to protect our ocean, waves and beaches for the future."

While the seismic blasting is awful enough, Earthjustice warns that this is only a part of the Trump administration's assault on the oceans and marine life. As the group notes:

While destructive in their own right, the seismic tests are only a first step in the Trump administration’s broader plans for dramatic expansion of offshore drilling in the Atlantic and beyond. The Department of the Interior has proposed opening 90 percent of U.S. federal offshore
waters to the fossil fuel industry, exposing nearly every coastline in the nation to the risk of an environmentally devastating oil spill and the degradation that comes with industrializing more of our rich ocean environments. Since the planning process for this offshore leasing expansion got underway, more than 1.45 million Americans have demonstrated intense opposition with rallies, marches and comments submitted to the Department of Interior agency responsible for crafting the plan.

‘As usual, the Trump administration is pulling out all the stops to give favors to the fossil fuel industry, whatever the cost to coastal communities and wildlife,’ said Athan Manuel, the lands protection program director for the Sierra Club. ‘We will continue to fight back against their dangerous plans to subject our coasts to seismic blasting and expanded offshore drilling.’

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Agata Mrowiec, "Overfishing and pollution have trashed the Mediterranean," Oceana, Agata Mrowiec August 16, 2018, https://oceana.org/blog/overfishing-and-pollution-have-trashed-mediterranean?utm_campaign=enews&utm_content=201808enewsUS&utm_source=en&utm_medium=email, "The Mediterranean is the world’s most overfished sea, with the highest percentage of unsustainably harvested fish populations, according to a recent report from the United Nations Food and Agriculture Organization. Increasing human activity makes Mediterranean marine ecosystems some of the most imperiled in the world."

Climate change, bringing rising seas and more frequent and larger storms, brought environmental damage to Hawai’i with Hurricane Walaka. FishOutofWater, “NW Hawaiian Island Vanished: Was Critical Breeding Ground for Turtles, Monk Seals & Birds,” Daily Kos, October 23, 2018, https://www.dailykos.com/stories/2018/10/23/1806681/-NW-Hawaiian-Island-Vanished-Was-Critical-Breeding-Ground-for-Turtles-Monk-Seals-Birds?detail=emaildkre, reported, “Seven government scientists, who were on teams that had been studying and protecting endangered monk seals, green turtles and sea birds at French Frigate shoals East Island for decades, had to evacuate East Island on October 2 ahead of category 4 hurricane Walaka, one of the strongest hurricanes on record in the central Pacific. The island was the breeding ground for about half of Hawaii’s endangered green sea turtles and 30% of Hawaii’s highly endangered monk seals. When scientists recently examined satellite photos after the hurricane they discovered the whole half-mile long 400 ft wide island had vanished.”

The huge toxic red tide of algae that for many months sat off the Florida coast appears to be the cause of the collapse of the stone crab industry in Florida, as there have become very few to catch ("The Worst I’ve Ever Seen It’: Lean Stone Crab Season Follows Red Tide in Florida: A prolonged red tide in Southwest Florida has hurt the iconic stone crab — and the fishermen, whose family businesses go back generations, who catch it," The New York Times, December 16, 2018, https://www.nytimes.com/2018/12/16/us/stone-crabs-florida-algae-red-tide.html).


Amy Yee, “Rescuing Sea Turtles From Fishermen’s Nets: An organization on the coast of Kenya tries to persuade local residents to help return the trapped reptiles to the ocean, rather than sell their meat and shells for a living," The New York Times, October 15, 2018, https://www.nytimes.com/2018/10/15/science/sea-turtles-endangered-fishing.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=12&pgtype=collection, reports that when a hawksbill turtle is accidentally caught in a net in the Indian Ocean off Kenya’s coast, “The fisherman called Local Ocean Conservation, a nonprofit based in the town of Watamu that is the only turtle rescue and rehabilitation center on the East African seaboard. The hawksbill, critically endangered in this region, was a mere seven pounds; adults can weigh up to 160 pounds.”

Turtles are reptiles that have existed for at least 110 million years and survived the mass extinction that killed off dinosaurs. But today, sea turtles worldwide are threatened with extinction. And it’s estimated that only one of 1,000 turtle eggs laid survive to adulthood.

Worldwide, hawksbills are critically endangered, while green and loggerhead turtles are endangered, according to the International Union for Conservation of Nature. Olive ridleys and leatherbacks are vulnerable. All five species of these sea turtles are found in Kenyan waters. The global green turtle population has declined by an estimated 50 to 70 percent since 1900.

Conservationists are trying to protect turtles from a wave of threats, including pollution. Since its founding in 1997, Local Ocean has protected about 1,000 nests, conducted more than 17,000 turtle rescues and treated more than 480 turtles in its rehab center. About 60 to 70 percent of turtles are released back in the ocean.

Ten to 15 percent of the center’s turtle patients are sick from eating plastic. Most of them do not survive.”

Daniel Victor, “1,000 Pieces of Plastic Found Inside Dead Whale in Indonesia,” The New York Times,
that only by considering them to have only in tigers of thei remain in the wild. New research highlights: “More than 1,000 assorted pieces of plastic, including 115 cups, 25 bags, four bottles and two flip-flops, have been found inside a dead sperm whale in Indonesia, according to local officials.”


A team based in Rotterdam, Netherlands, but sailing out of San Francisco, has begun a project to begin to clean up the plastic in the Pacific Ocean, Ocean Cleanup, using a 2000 foot boom with a nine foot skirt to corral plastic, which is hauled away by a collecting boat (Elizabeth Weise, "Ocean Cleanup system heading to the Pacific," USA Today, September 10, 2018).


United States District Judge Dana Christensen ruled in favor of the Crow Indian Tribe and other tribes and environmental groups who had argued that the Fish and Wildlife Service had erred in removing the bear’s threatened status in June 2017.”


After years of debate, scientists report in the journal Current Biology that tigers comprise six unique subspecies. One of those subspecies, the South China tiger, survives only in captivity.” Previously, tigers were considered to have two subspecies. The report finds that only by considering them to have six subspecies can the full diversity of tigers be maintained.
“Congress Approves Critical Water Projects: Natural Infrastructure and Everglades: Bill Provides Important Wins for Birds, People and Ecosystems Nationwide. ‘More cement isn’t the answer,’” National Audubon Society, October 10, 2018, https://www.audubon.org/news/congress-approves-critical-water-projects-natural-infrastructure-and-everglades, reported, “Today, the U.S. Senate passed, in a 99 to 1 bipartisan vote, the America’s Water Infrastructure Act of 2018 (S. 3021). “With both floods and drought plaguing people and birds across the U.S., the need for urgent action on water policy has never been more clear,” said David Yarnold, (@david_yarnold) president and CEO of the National Audubon Society. “More cement isn’t the answer. This bill provides for more natural infrastructure along our coasts, which is particularly timely as the Gulf and Atlantic coasts get pounded by more frequent and more severe storms.”

The bill includes water projects and policy changes that promote clean water and storm mitigation through restoring barriers like wetlands that benefit birds and people. The U.S. House passed the bill (S.3021) earlier this month.

The following provisions that impact important water and other conservation resources are included in this compromise legislation:

A requirement that the U.S. Army Corps of Engineers consider natural infrastructure alternatives in projects that manage risks from flooding, hurricane and storm damages. Hurricane Florence serves as a reminder of the vulnerability of our coasts, which can be made more resilient with “natural infrastructure” such as wetlands and restored barrier islands. Following the devastation from Hurricanes Harvey and Irma, National Audubon Society published a report to highlight the importance of natural infrastructure as the first line of defense for our coasts. http://www.audubon.org/conservation/coastal-resilience.

Authorization of the Everglades Agricultural Area Reservoir. This project will help store fresh water south of Lake Okeechobee in the Everglades and recreate a more natural water flow that mimics the historic ecosystem. It provides new water storage options and links up with treatment marshes that remove nutrients from the water. When the more than $3 billion restoration feature is completed, the reservoir can hold water that is currently discharged to sensitive coastal estuaries and move that water south where it is needed rather than allow it to continue to contribute to devastating algal blooms. This critical step makes Audubon’s top priority Everglades project, that is so important for wading birds like the Roseate Spoonbill, eligible for federal construction funding.

A two fold increase in the number of pilot projects for restoring barrier islands. Audubon has a proven track record of working with the Army Corps of Engineers and states to use dredged material to restore habitat that is important to birds and outdoor recreation economies. This work has created islands that provide excellent nesting habitat for birds such as Black Skimmers, Snowy Plovers, and Least Terns, and is leading innovations in thin-layer dispersal of dredged sediment to protect tidal marsh habitat in the face of sea-level rise.

Authorizes the Long Island Sound Program in the Environmental Protection Agency. The Long Island Sound is a vital place for an enormous variety of birds and other wildlife: over 1,200 species of invertebrates, 170 species of fish, and dozens of species of migratory birds, including the federally endangered Roseate Tern and federally threatened Piping Plover and Red Knot. It is also supports 54 IBAs (important bird areas) and is home to Great Gull Island, one of the most important tern nesting sites on earth with approximately 10,000 pairs of Common Terns and nearly 2,000 pairs of Roseate Terns. This program funds projects...
that restore and preserve the Sound and its ecosystems, including wastewater treatment plants, updates, wetlands protection and restoration, and abatement of widespread pollutants such as fertilizer, pesticides and oil.

Included in the bill is also a project of concern:
Approval of the Pearl River Demonstration Project. This damaging project will dam the Pearl River near Jackson, Mississippi, ultimately destroying over 2,500 acres of habitat downstream that supports Bald Eagles, songbirds, and a variety of fish and other wildlife. It will eliminate or alter critical habitat for several state and federally threatened species including the Wood Stork. Audubon will continue to emphasize the need to halt this destructive effort.”


The Jemez Mountain salamander faces a number of threats—among them roads, trails, and off-road vehicles—and was listed as “endangered” under the Endangered Species Act in 2013. The U.S. Fish and Wildlife Service designated more than 50,000 acres of the Santa Fe National Forest as critical to the salamander’s survival and recovery. The U.S. Forest Service attempted to ignore effects on the salamander when proposing to designate roads and trails through the species’ sparse, dwindling, and delicate home. Today, District Court Judge Martha Vazquez ordered the Service to immediately reinitiate consultation on its Santa Fe Travel Management Decision to ensure the decision will not harm the salamander or its habitat.

The win is not only a victory for the salamander, but also for the Endangered Species Act, which depends on federal agency implementation to be effective. Legal victories like today’s bolster the Act’s power in the face of the Trump administration’s efforts to dismantle it.”


The Dhimurru Rangers are one of about 100 groups, of mostly Aboriginal people, who patrol the beaches on the north coast of Australia, removing plastic, that often traps turtles and other ocean life, and other pollutants, to protect their territory and help preserve their ocean connected culture (David Maurice Smith, "Preserving a Culture by Cleaning Beaches," The New York Times, October 9, 2018).

The delicate, colorful insects that help to pollinate many an English garden may not live very long (the monarch butterfly has a life span of two to six weeks), but knowing how well their colonies are faring and how many are flitting around can be crucial indicators of a calamitous or a thriving environment.

That’s where the Big Butterfly Count in Britain comes in. The call has gone out for legions of volunteers to join the campaign, which runs from Friday to Aug. 12, and submit their sightings of butterflies and day-flying moths."

Cherry blossoms in Japan in 2018 bloomed in October, instead of waiting until April. The occurrence followed a major typhoon, which may have been the trigger. However, it may be a result of climate change, that might eventually threaten the trees (Daniel Victor, "Cherry Blossoms in Japan: Pretty, Pink and Very Early," The New York Times, October 10, 2018).

Climate change is threatening baobab trees, some of them hundreds of years old, in Senegal, whose leaves are eaten and whose bark is used to make rope. They are among many species in the region now threatened by global warming induced climate change (Dionne Searcy, "Centuries-Old Giants, Beloved but in Peril," The New York Times, September 30, 2018).


It was once a busy and bounteous fishing port. “But overfishing not only depleted local stocks; it probably ruined the area’s ecosystem. Trawlers scraped the sea floor clean of silt and seaweed. And with nothing to hold the sand in place anymore, waves started washing it ashore, each of the trillions of grains a reminder of the reckless depredation of the seas.”

This disruption of the seabed, perhaps combined with a natural change in the bed of the river that flows through Shoyna and into the White Sea, is the best suspect to blame for the sand invasion, said Sergey Uvarov, the marine biodiversity project coordinator for the World Wildlife Fund in Russia. But no formal environmental studies of the remote region have been conducted.”
The U.S. Defense Department agency, DARPA, is engaged in a project to develop insects and viruses so that millions of insects can spread DNA changing virus to plants, to make them more resistant to drought, floods, foreign attacks, etc., in the hopes of securing a safe long term food supply. Many scientists object that this is similar to banned biological warfare research, and could easily turn into a program to attack an enemy's crops. Even if the intent is totally benign, playing with genetics in this way can all too easily lead to very broad disaster (Emily Baumgaertner, "Critics Warn Project Could Turn Insects Into Weapons," *The New York Times*, October 5, 2018).

Indigenous Communities and Climate Change Symposium, Facebook Events, December 7, 2018, https://www.facebook.com/events/279668962687541/, announced at Princeton University, "A two-day international symposium bringing together activists, journalists, and scholars to discuss impacts on Indigenous communities from the changing climate.

Thursday, December 6 at 7:00 PM – 9:00 PM at the Princeton Public Library: Candis Callison (University of British Columbia, Pathy Distinguished Visitor in Canadian Studies), Deborah McGregor (York University), Tanya Talaga (Journalist), and Kyle Whyte (Michigan State) and in conversation about Indigenous Communities and Climate Change.

Friday, Dec. 7 at 8:30 AM– 6:45 PM in Betts Auditorium: High school students from the Stuart Country Day School of the Sacred Heart who have drafted a recognition of Lenni-Lenape history and home on this land will lead a session discussing their recognition text and participate in the wider conference discussion.

Hosted by Canadian Studies at Princeton University
Organized by Simon Morrison, Director, Fund for Canadian Studies, and Candis Callison, University of British Columbia, Pathy Distinguished Visitor in Canadian Studies.

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*, from the web, are listed as from ICT. Reports from *News from Indian Country* are listed as from NFIC.

U.S. Government Developments

Congressional Developments

provides a process by which tribal council members who had erroneously paid (and were not refunded) Social Security and Medicare taxes prior to enactment of the Act can receive Social Security and Medicare credit for the payment of those taxes.

In our General Memorandum 17-033 of June 28, 2017, we wrote in detail about previous iterations of the legislation, including a summary of past efforts to provide tribal governments with parity in this regard. It appears that the main difference between the Act and its earlier versions is that the Act provides a process by which tribal council members can retroactively obtain credit for past Social Security and Medicare taxes paid. The Act was sponsored by Representative Reichert (R-WA) and co-sponsored by Representatives: DelBene (D-WA); Cole (R-OK); Kilmer (D-WA); Schweikert (R-AZ); Gallego (D-AZ); and O'Halleran (D-AZ). Their statements of support for the Act when it was considered on the House Floor are at: https://www.hobbsstraus.com/sites/default/files/generalmemo/GM_18-036_Tribal%20Social%20Security%20Fairness%20Act%20Enacted.pdf.

“Water Resources Development Act Reauthorization (with Tribal Provisions) Sent to President,” Hobbs-Straus General Memorandum 18-037, October 18th, 2018, https://www.hobbsstraus.com/general-memorandum-18-037, reported, “On October 10, 2018, the Senate voted 99-1 to approve the 2018 reauthorization of the Water Resources Development Act (WRDA) clearing the measure for the President's expected signature. Previously, the reauthorization was approved in the House by a voice vote, under a procedure for ‘suspending the rules’ for the bill's consideration that is saved for non-controversial legislation with strong support. The bill is titled "America's Water Infrastructure Act of 2018" (AWIA, S. 3021) and contains a range of provisions which are specific to tribes or may be of interest to tribes.

Background. WRDA provides the authorizations for a range of water infrastructure projects and programs including those addressing water storage, irrigation systems, maintenance of dams, hydropower, drinking water and waste water systems, reservoirs, levees, and ports. AWIA is organized into the following titles:

TITLE I—WATER RESOURCES DEVELOPMENT;
TITLE II—DRINKING WATER SYSTEM IMPROVEMENT;
TITLE III—ENERGY; and
TITLE IV—OTHER MATTERS.

Within each title, WRDA reauthorizations usually contain some sections specific to tribes (generally); some sections which include tribes or could impact tribes; and some sections which, for example, address a water rights settlement for a particular tribe. With respect to AWIA, we highlight a number of these sections below. For further reference, we also attach the full Section by Section summary of AWIA prepared by the staff of the Senate Environment and Public Works Committee.

Sections Specific to Certain Tribes.

Sec. 1133. – Columbia River. – Clarifies the Secretary of the Army's obligations to provide assistance to those Indian tribes displaced as a result of the of the construction of the Bonneville, John Day and Dalles dams in Oregon and Washington.

Sec. 2001. – Indian Reservation Drinking Water Program. – Authorizes the Environmental Protection Agency (EPA) to make grants ($20 million, per fiscal year), through FY 2022, to carry out a program consisting of 10 projects for Indian tribes on reservations in the Upper Missouri River Basin and 10 projects for Indian tribes on reservations in the Upper Rio
Grand Basin to connect, repair, or expand existing drinking water services or improve water quality, pressure, or water services.

Sec. 4311. – Blackfeet Water Rights Settlement. – Adjusts the authorization for the Blackfeet Water Rights Settlement to allow the Blackfeet Tribe to receive access to funding in a timely manner.

Sections Specific to Tribes, Generally.

Sec. 1129. – Inclusion of Tribal Interests in Project Consultations. – Directs the Secretary of the Army to carry out all existing tribal consultation policies, regulations and guidance.

Sec. 1155. – Indian Tribes. – Provides a more comprehensive definition of federally recognized Indian tribes that may work in partnership with the Army Corps of Engineers on water resources development projects. Specifically, tribal organizations, as defined in the Indian Self-Determination and Education Assistance Act, are now eligible.

Sec. 1156. – Inflation Adjustment of Cost-Sharing Provisions for Territories and Indian Tribes. – The Secretary of the Army is required to waive local cost-sharing requirements (up to $200,000 and indexed for inflation) for all studies and projects for tribes and territories. This section updates the date used to calculate inflation. (For reference, the amount was $200,000 in 1986.)

Sec. 1157. – Corps of Engineers Continuing Authorities Program. – Subsection (i) increases the limit for the federal share of the cost of a water resources development project authorized by the Tribal Partnership Program from $10 million to $12.5 million. Expands the authorization to not only apply to a "project" but alternately to a "separable element of a project". Stipulates that if the federal share of the cost of the "project or separable element of a project" is more than $12.5 million, then a law must be enacted to specifically authorize it.

Sec. 4312. – Indian Irrigation Fund Reauthorization. – Extends the authorization for the Indian Irrigation Fund, at current levels ($35 million plus accrued interest, per fiscal year), through FY 2028.

Sec. 4313. – Reauthorization of Repair, Replacement, and Maintenance of Certain Indian Irrigation Projects. – Extends the authorization for the maintenance, repair, and replacement of irrigation projects funded by the Indian Irrigation Fund through FY 2028 and continues the biennial reporting requirements.

Sec. 4314. – Indian Dam Safety Reauthorization. – Extends the authorization for the High Hazard Indian Dam Safety Deferred Maintenance Fund at current levels ($22.7 million, plus accrued interest, per fiscal year) and the Low Hazard Indian Dam Safety Deferred Maintenance Fund at current levels ($10 million, plus accrued interest, per fiscal year), through FY 2030. Extends the authorization for the maintenance, repair, and replacement of dams funded by the Funds through FY 2030. Extends the Flood Plain Management Pilot Program, at current levels ($250,000 per fiscal year, from either Fund), through FY 2026.

Sections Which Include Tribes or may be of Interest to Tribes.

Sec. 1114. – Assistance Relating to Water Supply. – Directs the Secretary of the Army to provide assistance to municipalities whose water supply has been adversely affected by construction carried out by the Corps of Engineers.

Sec. 1131. – Ice Jam Prevention and Mitigation. – The previous WRDA reauthorization created a pilot program to authorize the Secretary of the Army from FY 2017-FY 2022 to carry out certain projects under the Flood Control Act of 1948 to prevent and mitigate flood damage associated with ice jams. This section of AWIA removes the time limitation,
doubles the number of projects and requires that "not fewer than one" project be carried out on a reservation "that serves more than one Indian tribe."

**Sec. 1214. – Community Engagement.** – Directs the Secretary of the Army to furnish a report on any potential disproportionate and adverse health or environmental effects of programs, policies, and activities of the Army Corps of Engineers related to water resources development projects on minority communities, low-income communities, rural communities, and Indian tribes. The report is to include any recommendations of the Secretary for addressing such effects, including recommended changes to the statutory or regulatory authorities of the Corps of Engineers, or changes to the policies or guidance of the Corps of Engineers.

**Sec. 4103. – Technical Assistance for Treatment Works.** – Authorizes the EPA to make grants ($25 million, per fiscal year) through FY 2023, to qualified nonprofit organizations to provide technical assistance relating to achieving Clean Water Act compliance, or obtaining financing for wastewater infrastructure in rural, small, and tribal municipalities.

**Sec. 4105. – Authorization of Appropriations for Columbia River Basin Restoration.** – Extends the authorization for the Columbia River Basin program ($30 million, per fiscal year) through FY 2021.

**Sec. 4107. – Assistance for Individual Household Decentralized Wastewater Systems of Individuals with Low or Moderate Income.** – Authorizes assistance for the repair or replacement of existing individual household decentralized wastewater treatment systems, or the connection to a publically owned treatment works, in low or moderate-income households. Requires the EPA Administrator to furnish a report to Congress on the prevalence throughout the United States of low- and moderate-income households without access to treatment works.

**Sec. 4305. – Regional Liaisons for Minority, Tribal, and Low-Income Communities.** – Requires each regional office of EPA to designate one employee to be the point of contact for minority, tribal, and low-income communities.”

Acee Agoyo, "President Trump signs two more Indian Country bills into law," December 12, 2018, https://www.indianz.com/News/2018/12/12/president-trump-signs-two-more-indian-co.asp, reported, "President Donald Trump signed two more Indian Country bills into law on Tuesday, putting an end to policies adopted during more paternalistic eras."

The first was H.R.5317, the Repeal of Prohibition on Certain Alcohol Manufacturing on Indian Lands Act, discussed just below.

"The second bill signed on Tuesday addresses a vestige of the disastrous termination era. H.R.1074 repeals a federal law authorized the state of Iowa to prosecute citizens of the Meskwaki Nation for crimes on their own lands."

"Under the existing system, tribal citizens faced the prospect of being prosecuted twice -- by the tribe and by the state -- for the same crime. Non-Indians weren't subjected to the same disparate treatment. The state already relinquished its jurisdiction on the settlement in anticipation of final action on H.R.1074. And the state will continue to exercise jurisdiction over non-Indians so there will be no changes in the justice system on that level."

President for his expected signature. The original ban on such distilleries was enacted in 1834 as one provision in a set of laws commonly known as the ‘Indian liquor laws’ that made it a federal crime to sell, give away, or otherwise introduce alcoholic beverages into Indian Country. Congress substantively amended the Indian liquor laws in 1953 by rendering the prohibitions and penalties inapplicable if a tribe has enacted a tribal law that is ‘in conformity’ with state law and has been certified by the Secretary of the Interior. The House Committee report on HR 5317 states that, although the prohibition on distilleries ‘may have served a valid public policy goal in the mid-19th century, it is not compatible with the modern policy of promoting tribal self-determination and economic diversification.’

HR 5317 is sponsored by Rep. Herrera Beutler (R-WA) and had passed the House by voice vote under suspension of the rules on September 12, 2018. The Senate companion bill, S 3060, is sponsored by Senators Cantwell (D-WA) and Murray (D-WA). A press release from Rep. Herrera Beutler is attached and contains statements of support from the legislation's sponsors as well as links to articles which provide further context on the original 1834 ban.

In addition to repealing the 1834 prohibition on the establishment and operation of alcohol distilleries in Indian Country, HR 5317 also contains a savings clause which clarifies that the repeal does not: (1) affect state or federal taxation; or (2) affect a state's authority to regulate the importation and sale of alcoholic beverages within its own borders.”

Atee Agoyo, "Congress sends more Indian Country bills to President Trump: H.R.3764, the Little Shell Tribe of Chippewa Indians Restoration Act, has been added to the list of legislation pending in the 115th Congress. The bill restores federal recognition to the Little Shell Tribe of Chippewa Indians, based in Montana. The bill passed the House on September 12, 2018, and awaits further action in the Senate," Indian Z, December 11, 2018, https://www.indianz.com/News/2018/12/11/congress-sends-more-indian-country-bills.asp, reported,"On Monday, the Republican-controlled House passed S.245, the Indian Tribal Energy Development and Self-Determination Act Amendments, and debated S.825, the Southeast Alaska Regional Health Consortium Land Transfer Act, before putting it to a final vote on Tuesday. Both previously cleared the Senate so all that's needed for them to become law is Trump's signature.

A third bill on its way to the White House too. Lawmakers took final action on S.943, the Johnson-O’Malley Supplemental Indian Education Program Modernization Act, on Tuesday afternoon."

"Assuming Trump signs those two measures and the three new ones, 12 stand-alone Indian Country bills will have become law during the 115th Congress." Twelve Indian bills still awaited action in the House, and seven in the Senate.

"Awaiting action in House

The following is a non-exhaustive list of the Indian Country bills that have already passed the Senate and await further action in the House.

• S.254, the Esther Martinez Native American Languages Preservation Act.
• S.269, a bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Areal Health Corporation located in Dillingham, Alaska,
• S.302, the John Smith Act, or the Tribal Infrastructure and Roads Enhancement and Safety Act (TIRES Act).

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• S.343, the Repealing Existing Substandard Provisions Encouraging Conciliation with Tribes Act, also known as the RESPECT Act.
• S.607, the Native American Business Incubators Program Act.
• S.669, the Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act.
• S.995, the Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act.
• S.1116, the Indian Community Economic Enhancement Act.
• S.1223, the Klamath Tribe Judgment Fund Repeal Act.
• S.1333, the Tribal HUD-VASH Act.
• S.1942, Savanna's Act.
• S.2515, the Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act, otherwise known as the PROGRESS for Indian Tribes Act.

Awaiting action in Senate
The following is a non-exhaustive list of the Indian Country bills that have already passed the House and await further action in the Senate.
• H.R.146, the Eastern Band Cherokee Historic Lands Reacquisition Act.
• H.R.597, the Lytton Rancheria Homelands Act.
• H.R.1491, the Santa Ynez Band of Chumash Indians Land Affirmation Act.
• H.R.1532, the Poarch Band of Creek Indians Land Reaffirmation Act.
• H.R.2606, the Stigler Act Amendments.
• H.R.3764, the Little Shell Tribe of Chippewa Indians Restoration Act.
• H.R.4032, the Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act.

Congress.Gov (www.congress.gov, accessed December 30, 2018) summarizes the following bills passed by the Congress:
TITLE I--INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-DETERMINATION ACT AMENDMENTS
(Sec. 101) This bill amends the Energy Policy Act of 1992 to direct the Department of the Interior to provide Indian tribes with technical assistance in planning their energy resource development programs.

The Department of Energy (DOE) Indian energy education planning and management assistance program is expanded to make intertribal organizations eligible for grants and to allow grants to be used to increase the capacity of tribes to manage energy development and energy efficiency programs.

Eligibility for DOE energy development loan guarantees is expanded to include tribal energy development organizations.

(Sec. 103) This bill allows leases and business agreements that pool, unitize, or communitize a tribe's energy resources with other energy resources.

An energy-related tribal lease, business agreement, or right-of-way does not require Interior's approval if it complies with a tribal energy resource agreement or it is a lease with a tribal energy development organization that Interior has certified, and the term does not exceed specified limits.
The process and conditions for Interior's approval of tribal energy resource agreements are revised.

This bill revises the process for determining whether an interested party has a valid claim to be suffering an adverse environmental impact due to a tribe's noncompliance with such an agreement.

Interior must make available to a tribe the amount Interior would have expended to carry out an activity that the tribe is carrying out pursuant to a tribal energy resource agreement.

(Sec. 104) DOE must collaborate with the Directors of the National Laboratories in making the full array of DOE technical and scientific resources available for tribal energy activities and projects.

**TITLE II--MISCELLANEOUS AMENDMENTS**

(Sec. 201) This bill amends the Federal Power Act to require the Federal Energy Regulatory Commission to give tribes, in addition to states and municipalities, preference for the receipt of preliminary hydroelectric licenses.

(Sec. 202) This bill amends the Tribal Forest Protection Act of 2004 to direct Interior, for land under Bureau of Land Management jurisdiction, and the Department of Agriculture (USDA), for land under Forest Service jurisdiction, to enter into agreements with tribes to carry out demonstration projects to promote biomass energy production on Indian forest land and in nearby communities by providing them with reliable supplies of woody biomass from federal lands.

Interior and USDA must enter into agreements with tribal organizations to carry out additional biomass demonstration projects.

(Sec. 203) This bill amends the Energy Conservation and Production Act to revise requirements for direct home weatherization grants to tribes.

(Sec. 204) Interior, an affected tribe, or a certified third-party appraiser under contract with the tribe must appraise mineral or energy resources involved in a transaction requiring Interior's approval.

(Sec. 205) This bill amends the Long-Term Leasing Act to allow the Navajo Nation to enter into mineral resource leases on their restricted lands without Interior's approval. The maximum term of a Navajo Nation lease that does not require Interior's approval is extended for commercial and agricultural leases.

(Sec. 206) The Crow Tribe of Montana may enter into leases of their land held in trust for a term of up to 99 years.

(Sec. 207) This bill sets forth provisions for money held by Interior in connection with the review and approval of a sale, lease, permit, or other conveyance of Indian land.


(Sec. 2) This bill directs the Department of Health and Human Services (HHS) to convey specified property in Sitka, Alaska, to the Southeast Alaska Regional Health Consortium for use in connection with health and social services programs.

Such conveyance shall not require any consideration from, or impose any obligation, term, or condition on, the consortium or allow for any U.S. reversionary interest in the property.

(Sec. 4) The consortium shall not be liable for any environmental contamination that occurred before such conveyance.

This bill requires the Department of the Interior to annually update the count of Indian students eligible for the Johnson-O'Malley Program (JOM Program). The JOM Program awards contracts to tribal organizations, schools, states, and others to support the cultural and academic needs of Indian students. The contract amounts are based on the number of students served.

Contracting parties must annually report to Interior on the number of students they serve. If they fail to submit the report, then Interior may not give them program funds for the next fiscal year.

The bill sets forth a process to revise funding allocations provided under the program. Interior must consult with Indian tribes and state and local education agencies that have not participated in the program to determine their interest in entering into contracts.

The Bureau of Indian Education must determine how: (1) the regulatory definition of eligible student may be clarified for contracting parties, and (2) the program funding formula may be updated to ensure the full participation of contracting parties and provide clarity on the funding process."

“House-Senate Negotiations to Resolve Farm Bill Differences Expected Soon,”
Hobbs-Straus General Memorandum 18-030, July 13th, 2018, http://www.hobbsstraus.com/general-memorandum-18-030, reported, “The Farm Bill is one of the United States' largest pieces of domestic legislation and Congress reauthorizes it every five years. The Farm Bill authorizes United States Department of Agriculture (USDA) programs and covers a variety of issues, including: (1) commodities; (2) conservation; (3) trade; (4) nutrition; (5) credit; (6) rural development; (7) research; (8) forestry; (9) energy; (10) horticulture; and (11) crop insurance. As all of these issues touch on important aspects of Indian Country and quality of life for Native people, we encourage tribes to engage with Congress on the Farm Bill reauthorization. Now is the time, as the Farm Bill is in the final stages of revision before being finalized.

On June 21, 2018, the House passed HR 2, the ‘Agriculture and Nutrition Act of 2018’ and on June 28, the Senate passed its substitute to HR 2, better known as the Farm Bill. The House has indicated that it will proceed with a Conference Committee to work out the significant differences between the bills instead of passing the Senate version of the bill as-is. This is the last step in the process of the Farm Bill reauthorization. Congress last enacted a Farm Bill in 2014, and many of those provisions will expire on September 30, 2018 unless Congress enacts a 2018 Farm Bill.

Senate Agriculture Committee Chairman Roberts (R-KS) will preside over the Farm Bill Conference Committee. Other members of the Conference Committee have not been announced yet, but in past years Conferees have included: the Chairman and Ranking Member from the Senate and House Agriculture Committees; the Chair and Ranking Member from each Senate and House Agriculture Subcommittee; Representatives appointed by House Leadership from each party; and staff for other House Committees, including Foreign Affairs and Ways and Means.

As the Farm Bill has many titles and covers numerous issues critically important to Indian Country, this report does not contain a comprehensive analysis of the legislation. Within this General Memorandum, we highlight some of the provisions pertinent to tribes in each bill. These provisions have been assembled by the Native Farm Bill Coalition and us. However, Hobbs, Straus, Dean & Walker, LLP is tracking and reporting on Farm Bill developments in detail for clients who have requested such work. Please contact us to let us know if you would
like a more comprehensive analysis or assistance contacting Members of Congress to communicate your Tribe's priorities.

Summary of Key Tribal-Specific Provisions

House Farm Bill
As we previously reported, two fundamentally important food assistance programs for Indian Country—the Supplemental Nutrition Assistance Program (SNAP) and the Food Distribution Program on Indian Reservations (FDPIR)—are under attack in the House Farm Bill, as there is a push in the House to increase work requirements for SNAP beneficiaries with no American Indian/Alaska Native or tribal exception. It is unclear whether these changes will be included in the final bill, in whole or in part through a compromise.

Key tribal-specific provisions in the House Farm Bill include:
• Under the FDPIR program, the bill expands the traditional foods purchase provision to include "regionally grown" foods; requires traditional foods purchased to be produced "cost-effectively;" and allows funds to carry over for two years.
• Requires a GAO study on access to agriculture credit under the Farm Credit System for tribes and tribal producers.
• Makes tribes eligible to compete for USDA/HHS grants under the Farm and Ranch Stress Assistance Network program.
• Funding for Tribal College and University Essential Community Facilities is cut from $10 million to $5 million (reauthorized at the same level in the Senate Farm Bill).
• State and Private Forestry Landscape-Scale Restoration Program: tribal-owned forest lands are included in the definition of "Private Forestry Land" (in the Senate Farm Bill, forest land owned by a corporation or a tribe is included in the definition of "nonindustrial private forest land" as eligible for a competitive grant with a state agency).
• Includes tribes and tribal organizations as eligible entities for Good Neighbor Agreements (is in the Senate Farm Bill as well, which also includes certain tribal lands).
• Expedites the environmental review and approval process for tribes under the Tribal Forest Protection Act of 2004.
• Through demonstration projects, extends 638 self-determination authority for tribes to assume the role of the federal government under the Tribal Forest Protection Act.
• Permits tribes to regulate pesticide use under the Federal Insecticide, Fungicides, and Rodenticide Act (FIFRA) and to use methyl bromide in response to an emergency.
• Includes tribes and tribal organizations as eligible for the new National Animal Disease Preparedness and Response Program.
• Moves the USDA Office of Tribal Relations from the Office of the Secretary to the new Office of Partnerships and Public Engagement.

Senate Farm Bill
The Senate Farm Bill does not include the significant work requirement changes to SNAP that the House Farm Bill does. Notably, one common theme in the Senate Farm Bill is parity, as many provisions are amended to include tribes as eligible participants. Key tribal-specific provisions include:
• Makes tribes and tribal organizations eligible producers for the Supplemental Agriculture Disaster Assistance program; Makes tribes eligible producers for the Regional Conservation Partnership Program; Makes tribes eligible for technical assistance/training programs under the Rural Business-Cooperative Service; Makes tribes eligible for a new Wood
Innovation Grant Program that prioritizes using existing milling capacity; Makes tribes eligible for the Local Agriculture Market Program; Makes tribes eligible for grants for rural emergency medical equipment and training.

- Mandates that USDA enter into alternative funding arrangements for conservation programs, which would allow tribes to be the contracting entity for large projects and increase access to conservation project funding.
- Increases access and opportunities for Native agriculture entities to participate in international trade missions.
- Through demonstration project agreements, extends 638 self-determination authority for tribes to administer FDPIR.
- Other changes to FDPIR include: 80% of administrative costs are paid by USDA and 20% by the tribe, with the option to request a waiver if the match is a "substantial burden," but federal funding may be used to meet the matching requirement (as well as for the Food Insecurity Nutrition Incentive Program); and allows administrative funds to carry over for two years.
- Makes tribal consortia eligible for grants for water systems for rural and Native villages in Alaska and includes a 2% set aside.
- Makes electric, broadband, and water infrastructure projects in Substantially Underserved Trust Areas (SUTAs) eligible for refinancing.
- Legalizes industrial hemp farming for States, Tribes and tribal organizations and includes model plans for creation and advancement of hemp production.
- Creates a 90% insurance premium subsidy for first time Native producers of livestock commodities the source of feedstock of which is pasture, rangeland, and forage.
- Establishes a new Tribal Advisory Council to advise the Secretary on tribal matters within USDA and a permanent Rural Development Tribal Technical Assistance Office to provide technical assistance across all areas of rural development funding for tribal governments, tribal producers, tribal businesses, tribal business entities, and tribally designated housing entities.
- Aims to improve integration of USDA and HHS programs to support rural health through a new USDA Rural Health Liaison position to work in consultation with HHS.
- Creates a micro-grant ($5,000-$10,000) program for tribes to implement projects to address food security, such as small-scale gardening, herding, and livestock operations.

**Conference Committee Amendment Sought**

Our Firm is working with a client to seek an amendment to the Farm Bill during Conference Committee negotiations that would enhance the industrial hemp provisions in the Senate Farm Bill to make it stronger for tribes. If accepted, this amendment would help facilitate greater tribal participation and would address some of the unique aspects and hurdles facing Indian Country for hemp farming and production activities.

**Conclusion**

We encourage Tribes to engage in the reauthorization of the Farm Bill and now is the time. It is important that the progress achieved so far not be lost during Conference. Please do not hesitate to contact us for further information or to discuss approaches for engaging with the Farm Bill Conferees (once announced), Committee leadership, or your congressional delegation about your Tribe's positions regarding the Farm Bill.”

S 245 is composed of two Titles. **Title I** would amend the Indian Tribal Energy Development and Self-Determination Act ("the 2005 Act") to address grants and technical assistance, loan guarantees, and tribal energy resources agreements (TERAs). **Title II** "Miscellaneous Amendments," would amend several statutory provisions that were enacted in legislation other than the 2005 Act. S 245 is substantively identical to a bill with the same title that was introduced in the 114th Congress. See our General Memorandum 15-035 of May 11, 2015. Similar bills were also introduced in the 112th and 113th Congresses.

**TITLE I**

**Grants and Technical Assistance.** The 2005 Act authorizes the Secretary of the Interior and the Secretary of Energy to administer a variety of programs to assist tribes in developing energy resources. **Section 101 of S 245 would amend the authorization for such assistance by adding a mandate that the Department of the Interior (DOI), in cooperation with the Office of Indian Energy Policy and Programs (OIPP) of the Department of Energy (DOE) provide technical assistance to tribes to develop energy plans, which could address the following activities: electrification; oil and gas permitting; renewable energy permitting; energy efficiency; electricity generation; transmission planning; water planning; development of energy resources; and protection of natural, historic, and cultural resources.**

**Section 101 would also amend the authorization for the competitive grant program administered by DOE OIPP (25 U.S.C. § 3502(b)) by adding intertribal organizations as eligible recipients and by adding tribal capacity building for managing energy development and energy efficiency as an authorized activity. In addition, a paragraph would be added to this subsection providing that "the Secretary shall collaborate with the Directors of the National Laboratories in making the full array of technical and scientific resources of the Department of Energy available for tribal energy activities and projects."**

Section 102 would amend the provision enacted by the 2005 Act (25 U.S.C. § 3503) that authorizes the Secretary of the Interior to provide grants and other assistance to tribes for resource inventories, feasibility studies, development and enforcement of tribal laws (including regulations), development of technical infrastructure to protect the environment, and staff training. The amendment would make tribal energy development organizations (TEDOs) eligible for the "scientific and technical information and expertise" provided by the Secretary "for use in the regulation, development, and management of energy resources."

**Loan Guarantees.** The authorization for the DOE loan guarantee program would also be amended by section 101. In addition to loans made to tribes, loans made to, or by, TEDOs would also be eligible for the guarantee program, and the Secretary of Energy would be directed to promulgate implementing regulations within one year of the legislation's enactment.

**TERAs.** **Section 103 addresses TERAs.** As authorized by the 2005 Act, a TERA is a mechanism through which tribes can eliminate the requirement for the Secretary's designee
(usually the Bureau of Indian Affairs) to approve leases, rights-of-way, and business agreements for the development of energy resources on tribal lands. Eliminating Secretarial approval renders inapplicable federal environmental laws that are triggered by federal action, such as the National Environmental Policy Act (NEPA) and National Historic Preservation Act.

The TERA mechanism, however, has not been used. As the Senate Committee Report on S 245 states, "implementation of Title V was more burdensome than Congress intended." Title I of S 245 is concerned to a large extent with amendments relating to the TERA mechanism. Several of the amendments are intended to streamline the process for approval of such agreements. For example, section 103 would amend the statute to provide that if the Secretary does not disapprove a TERA in 270 days, it would be deemed approved. The requirement that a tribe demonstrate capacity to regulate energy resources would be eliminated for any tribe that certifies it has carried out a Self-Determination contract or Self-Governance compact that includes programs for managing tribal land for three years without material audit exceptions.

Environmental Review under a TERA. The bill would change the requirements for environmental review under tribal law for transactions to be approved by a tribe pursuant to a TERA. The intent appears to be to make the requirements under a TERA conform to the requirements under the HEARTH Act, in which the requirement to inform the public and respond to comments is limited to environmental impacts that would be significant.

Exemption from Secretarial Approval without a TERA. The bill would eliminate the requirement for Secretarial approval of leases, rights-of-way, and business agreements on tribal trust or restricted land when such transactions are between a tribe and a TEDO that is majority owned and controlled by the tribe and has been so certified by the Secretary. A tribe would not need to enter into a TERA to exercise this option. The Senate Committee Report’s rationale for exempting such transactions from Secretarial approval is that a certified TEDO would be, in effect, an agency or instrumentality of the tribe and a tribe’s decision "to develop its own resources (i.e., without relying on a lease or agreement with a third, non-tribal party) on its own tribal land does not require approval by the Secretary."

TITLE II

Hydropower Licensing. Section 201 would amend the Federal Power Act (16 U.S.C. § 800(a)) to include Indian tribes in the preference that states and municipalities have for hydroelectric project licenses from the Federal Energy Regulatory Commission.

Biomass Demonstration Project. Section 202 would amend the Tribal Forest Protection Act of 2004 to establish a Tribal Biomass Demonstration Project "to promote biomass energy production (including biofuel, heat, and electricity generation) on Indian forest land and in nearby communities by providing reliable supplies of woody biomass from Federal land." The Forest Service and Bureau of Land Management could enter into agreements with tribes to carry out demonstration projects, in accordance with selection criteria set out in the bill. A separate subsection would authorize an Alaska Native Biomass Demonstration Project.

Weatherization Assistance Program. Section 203 would amend the Energy Conservation and Production Act of 1976 (42 U.S.C. § 6863(d)) to change the process for tribes to seek direct funding from the DOE Weatherization Assistance Program. Tribes could receive direct funding on behalf of their low-income members if DOE makes a determination that the services to be provided through the tribe would be equal to or better than services through the state. For this determination, section 203 provides that if the tribal
organization seeking the funding is a tribally designated housing entity that has operated without material audit exceptions for three years there would be a presumption that tribal members would be equally or better served.

Appraisals. Section 204 of the bill would add a new section to Title 26 of the Energy Policy Act of 1992 establishing revised standards and procedures for transactions that require Secretarial approval and involve mineral or energy resources.

Sections 205 and 206 would amend the statute commonly known as the Long-Term Leasing Act relating to the Navajo Nation and Crow Tribe, respectively. Section 207 would require the Secretary to hold in trust "any advance payments, bid deposits, or other earnest money received by the Secretary in connection with the review and Secretarial approval . . . of a sale, lease, permit, or other conveyance of any interest" in trust or restricted land.

"Savanna’s Act Passes Senate," FCNL's Native American Legislative Update, December 17, 2018, https://fcnl.actionkit.com/mailings/view/8897?t=1&akid=8897%2E2E30420%2EyGwXn, reported, "The Senate passed Savanna’s Act (S. 1942), a top legislative priority for FC

In August 2017, Savanna LaFontaine Greywind, a Spirit Lake Dakota and Turtle Mountain Chippewa woman, went missing and was found brutally murdered by her neighbor. The 22-year-old Savanna was eight months pregnant at the time. It took 8 days from the time Savanna was reported missing for law enforcement to discover her body.

The crisis of missing and murdered Native American women is well-known in Indian Country, but their stories rarely make the headlines. To honor Savanna’s memory and bring awareness to this crisis, Sen. Heidi Heitkamp (ND) introduced Savanna’s Act. The bill increases coordination and communication between State, Federal, Tribal, and local law enforcement agencies. It improves collection of data related to missing and murdered Indians including collecting tribal affiliation and enrollment information of victims. Savanna’s act also requires the Department of Justice to include statistics on missing and murdered cases in its annual Indian Country Investigations and Prosecutions report to Congress.


United States Senate Committee on Indian Affairs, "Gila River Indian Community Clarification Act passes Senate: H.R. 4032 will now go to the President to be signed into law," ICT, December 13, 2018, https://newsmaven.io/indiancountrytoday/the-press-pool/gila-river-indian-community-clarification-act-passes-senate-A-54Ulo0soEqdIAjS5dQAXw/, stated, "Senator John Hoeven (R-ND), chairman of the Senate Committee on Indian Affairs, announced Senate passage of H.R.4032, the Gila River Indian Community Federal Rights-of-Way, Easements and Boundary Clarification Act. The bill will now head to President Trump for his signature."
H.R. 4032 Establishes, ratifies, documents, and confirms the Federal electrical, irrigation, and road rights-of-way and easements that exist within the exterior boundaries of the Reservation as of the date of the enactment of this Act.

Establishes a fixed location of the northern boundary of the Reservation and provides for the Secretary of the Interior to ensure that the northern boundary is resurveyed and marked in conformance with the public system of surveys.

Authorizes and directs the Secretary of the Interior to place certain lands into trust for the benefit of the Gila River Indian Community.

Substitutes the benefits provided under this Act to the Gila River Indian Community, its members and allottees for any claims that the Community, its members and allottees may have had in connection with alleged failures relating to the northern boundary of the Reservation and the documentation and management of Federal rights-of-way on the Reservation.

'This legislation provides for the accurately surveyed northern boundary of the Reservation to be established, bringing much needed clarity and resolution to a dispute between the Gila River Indian Community and the Federal government that began in 1895,' Hoeven said. 'More importantly, this legislation affirms the Federal government’s respect for the rights of the Gila River Indian Community and reconciles Federal mismanagement of the Tribe's trust funds and non-monetary trust assets and resources.'

H.R. 4032 was introduced by Congressman Tom O'Halleran on October 12, 2017. It passed the House of Representatives on July 17, 2018. On November 14, 2018 the Senate Committee on Indian Affairs held a Legislative Hearing to receive testimony on the bill. On November 28, 2018, the Committee held a Business Meeting on the bill and ordered it to be reported without amendment favorably. It will now go to the President to be signed into law."


'The Indian Child Welfare Act is a landmark piece of legislation which upholds the principle of Tribal sovereignty and respects government to government relationships between the Federal government and Tribes,' said Hoeven.

'Native American children, like all children, thrive when they are able to grow up with the support of their families, communities, and cultures,' said Udall.'Congress enacted the Indian Child Welfare Act in 1978 to ensure that best practices in child custody for Native communities are in place, keeping families together and kids healthy and safe. Now, 40 years after its passage, I’m proud to have worked with my colleagues on both sides of the aisle to pass this resolution and mark the important impact that this law has had on generations of Native kids.'

S. Res. 707

Reaffirms that the Indian Child Welfare Act of 1978
Protects the best interests of Indian children.
Promotes the stability and security of Indian Tribes and families.
Respects the sovereign authority of both the States and Indian Tribes.
Calls on the Federal Government to continue working with Indian Tribes and States
to fully uphold and implement the Indian Child Welfare Act of 1978

S. Res. 707 was introduced by Senator Tom Udall (D-NM), Vice Chairman of the Senate Committee on Indian Affairs, on November 27, 2018. The Resolution will now go to the House of Representatives for consideration."

S. 2599 would transfer approximately 11,760 acres of Federal land located in the Chippewa National Forest in Cass County, Minnesota from the Department of Agriculture to the Department of the Interior (DOI) for the benefit of the Leech Lake Band of Ojibwe.
The bill was introduced by Senator Tina Smith (D-MN) on March 22, 2018. The Committee held a Legislative Hearing to receive testimony on S. 2599 on July 11, 2018. On September 26, 2018, the Committee ordered the bill to be reported with an amendment favorably. This legislation will now move to the House of Representatives for consideration."


H.R. 2606 repeals certain provisions in Federal law regarding the restricted lands of members of the Five Civilized Tribes of Oklahoma.
The legislation is specific to the allotted tribal member lands of the five civilized tribes of Oklahoma- Choctaw, Chickasaw, Mvskoke (Creek), Cherokee, and Seminole. It amends the Stigler Act of 1947 by removing the one-half degree Indian blood quantum requirement needed to retain the restricted status of inherited allotted tribal member lands and brings parity to probate related matters in Oklahoma.
H.R. 2606 was introduced by Congressman Tom Cole (R-OK-4) on May 23, 2017 and passed the House of Representatives on September 12, 2018. The Senate Committee on Indian Affairs held a Legislative Hearing to receive testimony on the bill on November 14, 2018. The Committee held a Business Meeting on the bill and reported favorably on the bill on November 28, 2018. The bill was amended in the Senate, so it will now return to the House for consideration."
“Federal Legislation to Protect State and Tribal Marijuana Activities Introduced,” Hobbs-Straus General Memorandum 18-029, July 13th, 2018, http://www.hobbsstraus.com/general-memorandum-18-029, reported, “On June 7, 2018, Senators Warren (D-MA) and Gardner (R-CO) introduced the ‘Strengthening the Tenth Amendment Through Entrusting States Act’ or the "STATES Act" as S 3032. The STATES Act would authorize states and Indian tribes, in certain instances, to approve and regulate the growth, production and sale of marijuana free from federal penalties or criminal enforcement. The bill would not change the scheduling of cannabis under the Controlled Substances Act (CSA) – it will remain a Schedule I controlled substance – but it would exempt lawful state and tribal regulated activities from the penalties of the CSA. The bill would remove hemp from Schedule I of the CSA.

The STATES Act would not provide a blanket exemption from the CSA for marijuana growth, production and distribution by Indian tribes. Instead, the bill is tied to what each state has done, and it would protect only those tribes located in states that have legalized marijuana. Thus, the bill’s protections would not extend to tribes located in states that still prohibit marijuana.

The bill would provide protection and certainty to commercial marijuana activity by tribes located in states that have approved commercial marijuana such as Washington, Oregon, California, Colorado, Alaska, Maine, and Massachusetts. The bill would also provide clarity and certainty for tribes engaged in medical marijuana activity in states that permit only medical marijuana. As currently drafted, however, it is not clear whether the bill would protect a tribe engaging in commercial marijuana activity if that tribe is located in a state that has approved only medical marijuana.

Here is the relevant language of the STATES Act, which provides that the CSA will not apply to:

[A]ny person acting in compliance with State law relating to the manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana . . . any person acting in compliance with the law of a Federally recognized Indian tribe within its jurisdiction in Indian Country . . . related to the manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana so long as such jurisdiction is located within a state that permits, respectively, manufacture, production, possession, distribution, dispensation, administration, or delivery of marihuana.

The STATES Act would keep in place the CSA penalties for the sale or distribution of marijuana to people under the age of 21 for other than for medical purposes, as well as the penalties for marijuana businesses employing people under 18. Notably, the STATES Act would provide tribal- and state-run marijuana businesses with financial security by clarifying that marijuana-related banking transactions are not drug trafficking and are not transactions involved in the proceeds of an unlawful transaction.

We also note that the President Trump has expressed some support for the legislation. When asked about the STATES Act earlier in June, President Trump said, "I support Senator Gardner. I know exactly what he's doing. We're looking at it. But I probably will end up supporting that." The STATES Act was introduced with co-sponsors from both sides of the aisle: Senators Paul (R-KY), Cortez Masto (D-NV), Murkowski (R-AK), Booker (D-NJ), Sullivan (R-AK), and Bennet (D-CO) and has since garnered more: Senators Flake (R-AZ), and Klobuchar (D-MN).
The STATES Act has been referred to the Senate Judiciary Committee. The companion bill in the House, HR 6043, sponsored by Representative Joyce (R-OH) is also a bi-partisan effort with 23 co-sponsors. It has been referred to the House Judiciary and Energy & Commerce Committees.”

United States Senate Committee on Indian Affairs, stated, December 14, 2018, "Legislation introduced to improve hiring process for BIA law enforcement," ICT, https://newsmaven.io/indiancountrytoday/the-press-pool/legislation-introduced-to-improve-hiring-process-for-bia-law-enforcement-7fRuRoqfIU2UYM6GUQNHIQ/, "Senators John Hoeven (R-ND), chairman of the Senate Committee on Indian Affairs, and Tom Udall (D-NM), Vice Chairman of the Senate Committee on Indian Affairs introduced legislation this week to help improve the hiring process for Bureau of Indian Affairs (BIA) law enforcement positions. The legislation would put in place a demonstration program enabling the BIA to conduct background checks for the agency’s law enforcement positions.

Currently, the BIA runs their background checks through the Office of Personnel Management (OPM), which often takes as long as 12 to 18 months to complete the investigation.

'This legislation would establish a demonstration program within the BIA to help address the backlog of background checks for those seeking to become BIA law enforcement officers. BIA law enforcement positions often go unfilled due to a lengthy background check process. It is critical that we fill those vacancies with qualified individuals and give BIA law enforcement the support they need,' Hoeven said. 'This legislation will give BIA the authority to conduct their own background checks and fill those positions in a timely manner.'

'As I pointed out in the Indian Affairs Committee’s hearing on missing and murdered Indigenous women, one of the biggest public safety issues facing Indian Country is the need for more law enforcement personnel. When qualified candidates apply for Bureau of Indian Affairs law enforcement positions, they often face a needlessly cumbersome and lengthy hiring process – which sometimes stretches out for a year or more. This discourages applicants and worsens the officer shortage in tribal communities. That is totally unacceptable,' said Udall. 'I’m glad Senator Hoeven and I were able to work together on this bipartisan legislation. It is an important step in the right direction that would cut red tape and improve the background check process so that we can put more officers on the ground in Native communities to help keep Indian Country safe.'

The Bill:

Gives the Secretary of the Interior authority to conduct background investigations for law enforcement positions within the BIA for the duration of the demonstration program.

Directs the Secretary to consider prior background checks in the process of their investigation.

Gives the Secretary the authority to enter into memorandums of agreement with State, Local, and Tribal governments to expedite the process.

Sets forth reporting requirements for BIA, and requires GAO to review the program to ensure the program’s integrity."

The Senate Committee on Indian Affairs held ab oversight hearing on Wednesday, December 11, 2019, to address the "silent crisis" of missing and murdered people in Indian Country. a shawl ceremony during a vigil for missing and murdered indigenous women at the National Museum of the American Indian in Washington, D.C., on September 11, 2018 (Acee Agoyo, "'Silent Crisis': The missing
A bipartisan bill to establish a Veterans Administration advisory committee on Tribal and Indian Affairs was introduced in the Senate aimed at increasing tribal-VA communications, and enhancing the VA’s ability to overcome unique barriers to obtaining proper care of some Native veterans ("Bipartisan Bill to establish VA Advisory Committee on Tribal and Indian Affairs Introduced," NFIC, August 2018).


**Federal Agency Developments**

“Administration Seeks Comments on Potential Changes to NEPA Regulations; Comments Due July 20,” Hobbs-Straus June 29th, 2018, http://hobbsstraus.com/general-memorandum-18-027, reported, “The Council on Environmental Quality (CEQ) has published an advance notice of proposed rulemaking (ANPRM) seeking comments on potential changes in the regulations implementing the National Environmental Policy Act (NEPA) of 1970. 83 Fed. Reg. 28591 (June 20, 2018)(copy attached). NEPA is the federal statute that requires the preparation of an environmental impact statement (EIS) for any major federal action “significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). The ANPRM suggests that CEQ is contemplating making rather major changes – the request for comments is framed as twenty questions, covering a wide range of issues, many of which may be of concern to tribes. Two of the questions specifically ask about involvement of tribes in the NEPA process, but tribes can and should comment on any issues of concern. We do think it is likely that some of the entities filing comments in response to the ANPRM may favor limiting tribal involvement in the review of off-reservation projects. As such, we think it is important for tribes to file comments to make sure that CEQ is aware of their concerns.

The deadline for filing comments is July 20, 2018. The ANPRM is available here: https://www.federalregister.gov/documents/2018/06/20/2018-13246/update-t... Background. NEPA is implemented through regulations promulgated by CEQ in 1978. 40 C.F.R. Parts 1500 – 1508. In the four decades since, CEQ has issued numerous guidance documents, but the regulations have been substantively revised only once, in 1985. The ANPRM is part of CEQ’s response to Executive Order 13807, ‘Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects.’ 82 Fed. Reg. 40463 (Aug. 24, 2017). The policy section of E.O. 13807 calls for environmental reviews and authorization processes to be conducted in a “coordinated, consistent, predictable, and timely manner.” In furtherance of the policy statement, section 5 of the E.O. directs federal agencies to use ‘One Federal Decision’ in processing environmental reviews and authorizations for major infrastructure projects. E.O. 13807 directed CEQ to develop “an initial list of actions to enhance and modernize the Federal environmental review and authorization process,” and CEQ published
its ‘initial list’ on September 14, 2017. 82 Fed. Reg. 43226. One item on that list is ‘review existing CEQ regulations implementing the procedural provisions of NEPA in order to identify changes needed to update and clarify those regulations.’ The ANPRM appears to be CEQ’s announcement that it is launching a project to revise the regulations.

Questions That Mention Tribes. Among the twenty questions in the ANPRM, the two that explicitly refer to tribal governments are numbers 2 and 18:

2) Should CEQ’s NEPA regulations be revised to make the NEPA process more efficient by better facilitating agency use of environmental studies, analysis, and decisions conducted in earlier Federal, State, tribal or local environmental reviews or authorization decisions, and if so, how?

18) Are there ways in which the role of tribal governments in the NEPA process should be clarified in CEQ’s NEPA regulations, and if so, how?

Issues for Tribes to Consider. Tribes that administer environmental review processes under tribal law may want to respond to question 2 drawing on their experience. With respect to question 18, one specific point on which the role of tribal governments could be clarified is participation in the NEPA process as cooperating agencies. The regulations provide that a tribe may be a cooperating agency “when the effects are on a reservation.” 40 C.F.R. § 1508.5. Tribes are frequently concerned about environmental impacts outside of reservation boundaries, and many tribes do not have reservations. In practice, CEQ has not interpreted the “on a reservation” regulatory language as a prerequisite for a tribe to be a cooperating agency. Rather, CEQ has issued two guidance documents clarifying that there are two key criteria: a non-federal governmental agency can be a cooperating agency if it has either “jurisdiction by law” or “special expertise.” The guidance documents ignore the “on a reservation” regulatory text. In 2008, when the Department of the Interior (DOI) moved much of its NEPA implementing procedures from the Departmental Manual to the Code of Federal Regulations, DOI adopted the same approach: if a DOI bureau is the lead agency for an EIS, a tribal government agency with either jurisdiction by law or special expertise is eligible to be a cooperating agency. 43 C.F.R. § 46.225. If CEQ is going to make some changes in the regulations, this is one point that ought to be fixed.

Potential Impacts on Tribes. Given the emphasis in E.O. 13807 on making the NEPA process ‘predictable’ and ‘timely,’ several of the 20 questions seek comments on ways to expedite the process and reduce ‘unnecessary burdens and delays’ (e.g., questions 1, 3, 4, 6, 13, 17, 19). Changes in the regulations that are intended to improve ‘efficiency and effectiveness’ may also have the effect of limiting opportunities for tribes to become engaged in the NEPA review of projects outside of reservation boundaries.”

“Changes Proposed for Endangered Species Act Regulations,” Hobbs-Straus General Memorandum 18-033, August 29th, 2018, http://www.hobbsstraus.com/general-memorandum-18-033, reported, “On July 25, 2018, three proposed rules were published in the FEDERAL REGISTER to make changes in the regulations implementing the Endangered Species Act (ESA). The ESA is administered by two different agencies: the Fish and Wildlife Service (FWS) in the Department of the Interior, and the National Marine Fisheries Service (NMFS) in the Department of Commerce. (NMFS has jurisdiction over marine and anadromous species, FWS over everything else.) Two of the proposed rules were jointly published by both Services; the other proposed rule was published by FWS. One of the jointly
published rules would revise the regulations for listing species as endangered or threatened and for designating critical habitat (83 Fed. Reg. 35193), and the other would change the regulations for interagency consultation pursuant to ESA section 7 (83 Fed. Reg. 35178). The proposed rule published by FWS alone would change the FWS regulations regarding prohibited activities affecting threatened wildlife and plants (83 Fed. Reg. 35174). The deadline for filing comments on each proposed rule is September 24, 2018. The notices can be found here:


Issues of Concern for Tribes. Two of the proposals expressly include tribes among the entities from which comments are being sought and all three include the obligatory reference to Executive Order 13175 on "Consultation and Coordination with Indian Tribal Governments." Other than that, however, none of the proposed rules include any specific reference tribes, or to issues of particular concern for tribes, in either the preamble or the proposed regulatory text. Many tribes have experiences relating to the ESA, and some listed species have major cultural and/or economic importance. In 1997 the two Departments issued Joint Secretarial Order 3206, ‘American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act.’ The proposed rule on listing species and designating critical habitat mentions the Secretarial Order and says that the Services ‘are considering possible effects of this proposed rule on federally recognized Indian Tribes. We will continue to collaborate/coordinate with tribes on issues related to federally listed species and their habitats.’ Both of the joint proposed rules express willingness to consider comments raising issues that are not expressly addressed in the proposal, as ‘the Services are comprehensively reconsidering the processes and interpretations of statutory language’ (proposed rule on listing and critical habitat, 83 Fed. Reg. 35194; proposed rule on interagency consultation, 83 Fed. Reg. 35179).

One set of issues that occurs to us is how to better define the role of tribal governments in consultation pursuant to section 7 of the ESA for situations in which tribal agencies, through self-determination contracts and/or self-governance compacts, administer programs that would otherwise be the responsibility of the Bureau of Indian Affairs (BIA). The existing regulations on section 7 consultation (50 C.F.R. Part 402) do not even mention tribes. The proposal to revise Part 402 is an opportunity to advocate for changes that would provide appropriate recognition of the sovereign status of tribal governments and their roles in implementing BIA programs.

Overview of the ESA. Congress enacted the ESA in 1973 to establish a program to conserve endangered and threatened species as well as to conserve the ecosystems on which such species depend. 16 U.S.C. §§ 1531 – 1544. An ‘endangered species’ is a ‘species which is in danger of extinction throughout all or a significant portion of its range,’ and a threatened species is one ‘which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.’ 16 U.S.C. § 1532(6), (20) (emphasis added). The program authorized by the ESA includes listing species as endangered or threatened, prohibiting the ‘take’ of listed species, designating critical habitat, and requiring federal agencies to consult with the Services in order to avoid jeopardizing the continued existence of any listed species or
causing destruction or adverse modification of critical habitat. ‘Take’ is statutorily defined as meaning ‘to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.’ 16 U.S.C. § 1532(19). In some circumstances there are exceptions to the take prohibition. For federal actions, a biological opinion issued by one of the Services in the consultation process typically includes an incidental take statement. For non-federal entities, incidental take may be permitted in conjunction with a habitat conservation plan. The Threatened Species Proposed Rule. In the FWS proposal to change its regulations regarding threatened species (this proposed rule that is not a joint proposal), FWS would adopt the approach that NMFS uses. Section 9 of the ESA sets out a list of activities that are prohibited with respect to endangered species. Section 4(d) authorizes the Services to establish prohibitions for threatened species through regulations. The FWS approach has been to use the authority of section 4(d) to render most of the section 9 prohibitions also applicable to threatened wildlife species. 50 C.F.R. §§ 17.31, 17.71. The NMFS has taken a different approach; rather than extending the section 9 prohibitions to all threatened wildlife species, NMFS has used the section 4(d) authority, in some cases, to adopt species-specific protective regulations. FWS says in the preamble of the proposed rule that an emphasis on species-specific regulations will allow FWS to make ‘better use of our limited personnel and fiscal resources.’

The Listing, Delisting, and Critical Habitat Proposed Rule. ESA section 4 directs each of the Secretaries (Interior and Commerce) to determine whether any species is endangered or threatened. The statute provides that determinations of whether to list any species as endangered or threatened ‘shall’ be made ‘solely on the basis of the best scientific and commercial data available.’ The regulations add the phrase ‘without reference to possible economic or other impacts of such determination.’ 50 C.F.R. § 424.11(b). One of the proposed changes would delete this added phrase. As a rationale for this change, the Services say, ‘While Congress precluded consideration of economic and other impacts from being the basis of a listing determination, it did not prohibit the presentation of such information to the public.’

With respect to delisting, the existing regulations, which allow for delisting on the basis of recovery, include the statement: ‘The principal goal of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service is to return listed species to a point at which protection under the Act is no longer required.’ The proposed rule would provide that delisting determinations will be made by applying the same criteria that are used in listing determinations. Coincidentally, this set of changes would result in the ‘principal goal’ statement being deleted.

With respect to the criteria for designating critical habitat (50 C.F.R. § 424.12), the proposed rule would add circumstances in which the Services could determine that designation of critical habitat would not be prudent. The proposed rule would also make changes in the provision authorizing the Services to include specific areas outside the geographical area occupied by the species that are essential for its conservation. As proposed, such a determination would include consideration of ‘societal conflicts’ and of whether the expenditure of resources would be ‘commensurate with the benefit to the species.’

The Proposed Rule on Interagency Consultation. Section 7 of the ESA requires each federal agency to consult with the relevant Service to ‘insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat.’ This requirement is implemented through joint regulations which provide that consultation can be either ‘informal’ or ‘formal’ (50 C.F.R. §§ 402.13, 402.14). The process typically begins with the federal agency (or the agency’s designated non-federal representative)
preparing a "biological assessment" to determine whether any listed species or critical habitat are likely to be adversely affected by the action. Informal consultation is an optional process that may result in a determination by the federal agency, with concurrence by the Service, that "the action is not likely to adversely affect listed species or critical habitat," and that, therefore, formal consultation is not required. Formal consultation involves the preparation, by the Service, of a ‘biological opinion’ on whether or not the action is likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of critical habitat (a ‘jeopardy’ opinion or a ‘no jeopardy’ opinion. A ‘no jeopardy’ opinion may include statements authorizing incidental take. The proposed rule would make a number of changes in the Part 402 regulations. This memorandum notes only a few of the changes.

Destruction or adverse modification. One proposed change is in the definition of the term ‘destruction or adverse modification.’ In 2016, a sentence was added to this definition stating that among the kinds of alterations that fit the definition are ‘those that alter the physical or biological features essential to the conservation of a species or that preclude or significantly delay development of such features.’ The Services propose to delete this sentence, although they assert that this change neither raises nor lowers the bar for whether a proposed action would result in destruction or adverse modification of critical habitat, and that the practice of the Services in carrying out section 7 consultation will not change as a result of this change in a defined term. We note, however, that the preamble devotes more than three Federal Register pages to explaining the rationale for changing the regulatory text of this definition.

Applicability. The Services suggest revising the regulations to specify circumstances in which federal agencies would not be required to consult with the Services, and to authorize federal agencies to determine for themselves when such circumstances apply. This suggestion is discussed in the preamble; no regulatory text is proposed.

Programmatic consultation. The proposed rule would add language authorizing ‘programmatic consultation,’ an approach that the Services say can be used in either informal or formal consultation. Under this approach, consultation can address categories of actions, or proposed programs or policies, at a generalized level before site-specific is known. The Services promote this concept as a way to streamline the consultation process.

Deadline for informal consultation. Another way to streamline the process, the Services suggest, would be to establish a deadline for informal consultation. There is a deadline in the existing regulations for formal consultation, a deadline based on the statutory text: the process is supposed to be completed within 90 days from initiation of the process, with an extension of 60 days allowed by mutual agreement. There is no prescribed timeframe for informal consultation. The Services say that they are considering setting a 60-day deadline for informal consultation, though the proposed rule does not include any regulatory text on this point. The Services ask for comments on whether such a deadline would be helpful, whether 60 days is the appropriate timeframe, when the clock should begin to run, and when to allow extension of the deadline.

Formal consultation. The proposed rule would make several changes in formal consultation intended to streamline the process. One change would "clarify" the information to be included in the package submitted by a federal agency to initiate formal consultation. One proposed new paragraph says that a federal agency "may submit existing document prepared for the proposed action such as [National Environmental Policy Act] analyses or other reports in substitution for the initiation package" (emphasis added). The preamble adds that documents prepared for compliance with state laws may be used. Arguably, documents prepared for compliance with tribal laws should also be acceptable. Tribes could ask the Services to clarify
this point in the final rule. Another change would authorize the relevant Service, in preparing its biological opinion, to adopt all or part of the federal agency’s initiation package.

Mitigation measures. Another proposed clarification addresses the level of certainty that mitigation measures will in fact be implemented for the Services to consider such measures in issuing a ‘no jeopardy’ opinion. The proposed rule says, in effect, that the Services will simply assume that an action agency will implement mitigation measures described in the package it submits to initiate formal consultation. The preamble explicitly disagrees with a ruling by the Ninth Circuit Court of Appeals holding that the Services can only consider mitigation measures that are supported by a ‘clear, definite commitment of resources.’ Tribes may want to seek assurance that the same assumption will apply to tribal commitments to mitigation measures.”

Richard Walker, "BIA qualifies Samish Nation to have lands put into trust: BIA: Samish Nation was federally recognized prior to 1934. Samish Nation Chairman: ‘We deserve a seat at the table.’," ICT, November 30, 2018, https://newsomaven.io/indiancountrytoday/news/bia-qualifies-samish-nation-to-have-lands-put-into-trust-tGtwznUr_ESVRkvz60R6JQ/, reported, "The Samish Indian Nation, which does not have a reservation, qualifies to have its lands put into trust, thanks to the BIA Northwest regional director’s determination that it was federally recognized in 1934 when the Indian Reorganization Act was adopted."

"U.S. Senate Confirms Tara Mac Lean Sweeney as Assistant Secretary for Indian Affairs," NCAI, June 28, 2018, http://www.ncai.org/news/articles/2018/06/28/u-s-senate-confirms-tara-mac-lean-sweeney-as-assistant-secretary-for-indian-affairs.html, reported, "Today, the Senate Committee on Indian Affairs (SCIA) announced the unanimous confirmation of Tara Mac Lean Sweeney as the Assistant Secretary for Indian Affairs at the Department of the Interior."


“Indian Health Service Tribal Management Grants,” Hobbs-Straus General Memorandum 18-028, July 9th, 2018, http://www.hobbsstraus.com/general-memorandum-18-028, reported, “The Indian Health Service (IHS) has announced in the attached July 5, 2018 FEDERAL REGISTER notice the availability of $2.4 million in FY 2018 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 August 17, 2018.

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). There is no cost share or matching requirement. 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 2013). 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.”

“HHS-Tribal Town Hall Meeting on Combatting Opioids and Substance Abuse,” General Memorandum 18-031, General Memorandum 18-031, July 17th, 2018, http://www.hobbsstraus.com/general-memorandum-18-031, reported, “In this Memorandum we report on the upcoming Department of Health and Human Services (HHS) July 24 Town Hall Meeting on Combatting Opioids and Substance Abuse. The meeting is specific to tribal interests. See the HHS notice below which provides additional detail and contact information.

The deadline to register for the meeting is July 23 while the meeting itself is July 24 at the Hubert H. Humphrey Building, 200 Independence Avenue S.W. Washington, DC 20201. The meeting is also available in live streaming.

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Save the Date! Partnerships to Advance Tribal Health Tuesday, July 24, 2018 I 8:30 a.m.–12 p.m. Eastern Time HHS invites you to participate in the Partnerships to Advance Tribal Health (PATH): A National Town Hall on Combatting Opioids and Substance Abuse on Tuesday, July 24, 2018, 8:30 a.m.–12 p.m. eastern time, at the Hubert H. Humphrey Building - Great Hall in Washington, DC. PATH provides a national forum for tribal and federal officials to engage in dialogue to improve outcomes in tribal communities.

The PATH Town Hall will include special remarks from HHS leadership, members of Congress, and tribal leaders.”

The report reveals that in 2017, U.S. Attorney Offices prosecuted a majority of Indian country cases presented to them. U.S. Attorney Offices declined prosecution of a minority of cases presented to them primarily due to insufficient evidence or referral to another prosecuting authority, such as a tribal prosecutor. The report also shows that the FBI closed 12.5 percent more investigations in 2017 than in 2016 (see detailed findings below).

'The Department of Justice is committed to public safety in Indian country,' said Deputy Attorney General Rod J. Rosenstein. "We have demonstrated this commitment over the past two years by investing substantial resources and supporting innovative programs that empower federal and tribal prosecutors and build the capacity of tribal justice systems. Today’s report demonstrates that our work makes a difference. Lasting public safety improvements in Indian country are best achieved when federal, state, and tribal law enforcement agencies work together.'

'The Justice Department’s Indian Country Investigations and Prosecutions Report reflects that the many coordinated efforts among United States Attorneys and tribal justice officials are making a difference,' said Trent Shores, U.S. Attorney for the Northern District of Oklahoma, and Chairman of the Attorney General’s Advisory Subcommittee on Native American Issues. 'Our work continues, and we must be resolute, in order to meet the challenges prevalent in American Indian and Alaska Native communities. In August, the Attorney General's Native American Issues Subcommittee met and renewed our commitment to finding meaningful and practical tools to help put an end to the disproportionate rates of violence afflicting Native Americans. Among these, the department is expanding the use of cross-deputization agreements, access to criminal databases, funding for juvenile programs serving at-risk native youth, and services to victims and their families. We must continue to work together and find solutions to violent crime and drug trafficking in Indian Country. United States Attorneys are committed to upholding the federal trust responsibility and the rule of law in Indian Country.'

The Trump Administration has strengthened the Department’s commitment to Indian Country by prioritizing the reduction of violent crime throughout the United States—including in Indian Country. This reflects a recognition that Native Americans suffer from persistently high rates of violent crime, particularly domestic and sexual abuse of women and children, and like many communities in the United States, have been hit hard by both opioid and methamphetamine abuse.

In April 2017, as part of the Department’s efforts under the Task Force on Crime Reduction and Public Safety, Attorney General Jeff Sessions announced a series of actions the Department would take to support law enforcement and maintain public safety in Indian Country.

The Justice Department recognizes that investigating crime and prosecuting those responsible is critical to public safety in Indian Country. To that end, the Justice Department’s partnerships with tribes, as well as all federal, state and local law enforcement, are crucial to success. The Department deploys innovative programs such as the Tribal Access Program, Tribal Special Assistant U.S. Attorneys, and numerous grant programs that enhance partnerships, increase information sharing, build capacity for local criminal justice systems, and provide services to victims of crime.

According to the report, in 2017 implementation of the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) remained an important priority for the Department. Federal prosecutors continued to utilize the federal assault charges created by VAWA 2013. In Calendar Year (CY) 2017, federal prosecutors filed cases against 139 defendants under VAWA 2013’s enhanced federal assault statutes, which include enhanced
sentences for certain crimes of domestic violence such as strangulation and stalking. They obtained 134 convictions (an increase of 30% from CY 2016 (103)). Also in CY 2017, prosecutors filed cases against 43 defendants in Indian country cases using the domestic assault by a habitual offender statute, 18 U.S.C. § 117, and obtained 29 convictions.

Cooperation among federal and tribal law enforcement and victim advocates is key to successfully prosecuting sexual assault crimes in Indian country. As of 2017, every U.S. Attorney Office with Indian country responsibilities has developed federal sexual violence guidelines designed to improve the federal response to sexual abuse in tribal communities.

The report also notes that the Tribal Liaison Program remains one of the most important components of the Department’s efforts in Indian country. TLOA requires that the U.S. Attorney for each district with Indian country appoint at least one Assistant United States Attorney to serve as a Tribal Liaison for that district. They foster and facilitate relationships between federal and tribal partners that are vital to reducing violent crime. As part of their duties, Tribal Liaisons assist in developing multi-disciplinary teams to combat child abuse, work with SART teams on sexual abuse response, conduct community outreach, and coordinate the prosecution of federal crimes.

The information contained in the report shows the following:

FBI’s CY 2017 statistics show a 12.5 percent increase in total closed investigations (2,210 total) compared to FBI’s CY 2016 statistics (1,960 total). The FBI has investigative responsibility for federal crimes committed on approximately 200 Indian Reservations. This responsibility is shared concurrently with BIA-OJS and other federal agencies with a law enforcement mission in Indian country.

Approximately 79.5 percent (1,511 out of 1,900) of Indian country criminal investigations opened by the FBI were referred for prosecution.

Of the 699 Indian country investigations that the FBI closed administratively without referral for prosecution, the primary reason for closing (approximately 21 percent) was that the case did not meet statutory definitions of a crime or U.S. Attorney’s Office (USAO) prosecution guidelines. In addition, analysis of CY 2017 data indicates that 15 percent of investigations closed administratively were closed due to unsupported allegations, meaning no evidence of criminal activity was uncovered during the investigations. Another reason for non-referral (20 percent) was that the deaths under investigations were determined to be the result of accident, suicide, or natural causes.

84 percent (141 out of 167) of the death investigations that were closed administratively by the FBI in CY 2017 were closed because the death was due to causes other than homicide (i.e., accidents, suicide, or natural causes).

In CY 2017, the USAOs resolved 2,390 Indian country matters.

The majority of Indian country criminal matters resolved by the USAOs in CY 2017 (1,499 out of 2,390) were prosecuted (charges filed in either District or Magistrate Court). The USAO declination rate remained relatively steady. USAO data shows that in CY 2017, 37% (891) of all (2,390) Indian country matters resolved were declined. USAOs declined cases at a similar rate in prior years: 34% (903) of all Indian country matters resolved (2,666) in CY 2016; 39% (1,043) of all Indian country matters resolved (2,655) in CY 2015; 34% (989) of all Indian country matters resolved (2,886) in CY 2014; 34% (853) of all Indian country matters resolved (2,514) in CY 2013; 31% (965) of all Indian country matters resolved (3,097) in CY 2012; and 38% (1,042) of all Indian country matters resolved (2,767) in CY 2011.
The most common reason for declination by USAOs was insufficient evidence (70.9% in CY 2017, 68.0% in CY 2016, 71.7% in CY 2015, 59.6% in CY 2014, 55.6% in CY 2013, and 52% in CY 2012). The next most common reason for declination by USAOs was referral to another prosecuting authority (13.2% in CY 2017, 16.4% in CY 2016, 13.8% in CY 2015, 16.3% in CY 2014, 20.8% in CY 2013, and 24% in CY 2012).

The data presented in this report covers only those offenses reported to the FBI and federal prosecutors. The majority of criminal offenses committed, investigated, and prosecuted in Indian Country are adjudicated in tribal justice systems. In much of Indian Country, tribal law enforcement and tribal justice systems hold criminals accountable, protect victims, provide youth prevention and intervention programs, and confront precursors to crime such as alcohol and substance abuse. These efforts are often in partnership with federal agencies or accomplished with support from federal programs and federal funding opportunities.

Read the entire report at www.justice.gov/tribal/tloa.html.

Read about the Justice Department’s efforts to increase public safety in Indian Country at www.justice.gov/tribal/accomplishments.html.”

“August 6 Deadline to Apply for $110 Million from New Tribal Victim Services Program,” Hobbs Straus General Memorandum 18-026, http://hobbsstraus.com/general-memorandum-18-026, reported, On June 26, 2018, the Department of Justice (DOJ) issued a press release announcing an August 6 deadline for tribes, tribal consortia, and tribal designees to apply for $110 million in grants under the new tribal allocation from the Crime Victims Fund. DOJ also issued a detailed application package which may be found here: https://www.ovc.gov/grants/pdfxt/FY18-Tribal-Victim-Services-Set-Aside-...

We reported in our General Memorandum 18-022 of June 1, 2018, that the FY 2018 Omnibus Appropriations Act provided the first ever direct tribal allocation (three percent) under the Crime Victims Fund for the purpose of tribes improving their services for victims of crime. The pending FY 2019 appropriations bills for DOJ would increase the allocation to five percent.

DOJ notes in its press release that the ‘FY 2018 set-aside program has expanded the types of crimes addressed to cover victims of human trafficking, victimization as a result of opioid/drug-related crisis, child abuse and neglect, as well as victims of cybercrime and financial crime, among other areas.’

The application process is in two phases:

Phase 1 – The deadline for submitting Phase 1 application materials is 9:00 p.m. Eastern Time on August 6, 2018. Applicants who are approved in Phase 1 will be contacted on or before September 30, 2018, and invited to submit Phase 2 materials.

Phase 2 – Applicants who are invited to submit Phase 2 materials must submit them no later than 9:00 p.m. Eastern Time on January 4, 2019.

DOJ expects to make three-year awards, with annual amounts generally not exceeding $720,000. The awards will be in the form of grants; there are no matching requirements. The expectation is that the awards will be for services that will begin on or before April 15, 2019.”

from El Salvador to seek and obtain asylum on the basis of her abuse. Sessions’ ruling affects many women seeking asylum from Latin American countries, but might disproportionately affect Indigenous women and their children.

Sessions wrote that domestic abuse is “private violence,” as opposed to violence perpetrated by the government, and as such is not a qualifying factor for asylum unless an asylum seeker can show that the government not only has difficulty protecting her from violence, but actually condones the violence or is totally incapable of stopping it.

Sessions goes on to say that asylum is based on protection of a person who is under threat as a result of her social group, and argued that domestic violence is not such a threat. Instead, he claims that it is based on a personal relationship with the victim. Sessions wrote in his ruling that “generally, claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum…. The mere fact that a country may have problems effectively policing certain crimes — such as domestic violence or gang violence — or that certain populations are more likely to be victims of crime, cannot itself establish an asylum claim.” A study conducted by the United Nations High Commissioner for Refugees, on the other hand, says that “UNHCR’s long-standing interpretation of refugee law recognizes that gender violence (including intimate partner violence)... meet the criteria for protection.”

The new ruling is especially significant because women in Latin America, and elsewhere, are at high risk of injury, long-lasting psychological harm, chronic pain, and death from domestic abuse. While all women are in danger of domestic assault, and potentially negatively affected by Sessions’ ruling, there is reason for particular concern for Indigenous women. Cultural Survival’s recent reports on the state of Indigenous women’s rights in Mexico and Guatemala showed that gendered violence disproportionately affects Indigenous women.

Many women who are victims of any sort of gender-based violence do not report, in part because they do not trust the authorities, but Indigenous women face additional systemic barriers to seeking and obtaining help from their governments because they are often located in rural areas with fewer sources of care and because they cannot always find someone in authority who speaks their language. Indigenous women might also face discrimination based on ethnicity from their home governments and judicial processes if they do report violence. As such, Indigenous women are more likely to be unable to gain help from their home governments or communities.

Even when women manage to report violence, they seldom receive justice. The Public Prosecutor's Office in Guatemala receives more than 40,000 cases of violence against women every year but few cases are brought against perpetrators of violence against women, and even fewer sentences are carried out. One to two women are murdered every day in Guatemala, where the impunity rate in cases of femicide is estimated at 98 percent.

In Mexico in 2017, seven women were killed every day and domestic violence is a key cause of women’s deaths in the country. In almost half of the reported cases of violence against women in Nicaragua, the attack took place at home. In 2015, the deaths of 275 women were reported in Argentina, 39 of whom had reported violence to the police before their deaths. 171 of the killings took place inside the women's homes, making the home one of the most dangerous places to be a woman. One El Salvadoran woman said that she went to the police to report domestic violence and was told simply “well, he’s your husband.” These stories and statistics paint a clear picture that domestic violence is a serious threat from which Indigenous women have little chance of escape, especially if we no longer count it as a reasonable cause to flee to safer ground.”
An agreement describing joint management roles for Canyon de Chelly, within the Navajo Nation reservation, was signed by the National Park Service, the Bureau of Indian Affairs and the Navajo Nation, in June 2018, following a series of public hearings on the proposed agreement (Cindy Yurth, "Agreement signed for Canyon de Chelly," Navajo Times, June 28, 2018).

It was announced in September 2018, that ground is expected to be broken on September 21, 2018, on the National Native American Veterans Memorial, on the grounds of the National Museum of the American Indian on the National Mall in Washington, DC (David Karas, "Native American veterans get spotlight with memorial," Christian Science Monitor Weekly, September 17, 2018).

**Federal Indian Budgets**

“Two Week Extension of FY 2019 Continuing Resolution through December 21; Impasse on Southern Border Wall Funding Could Lead to Partial Government Shutdown,” Hobbs Straus General Memorandum 18-040, December 6, 2018, http://www.hobbsstraus.com/general-memorandum-18-040, reported, “Congress has approved and the President will sign another Continuing Resolution (CR), H.J. Res.143, to fund those federal agencies for which no FY 2019 appropriations bill have been enacted. The CR will extend funding through December 21, 2018, at largely FY 2018 terms and spending levels. The House and Senate each approved H. J. Res. 143 via voice vote. The previous CR was to expire December 7.

The agencies funded under the CR are: Interior, Environment and Related Agencies; Agriculture; Transportation, Housing and Urban Development and Related Agencies; Financial Services; Homeland Security; State-Foreign Operations; and Commerce-Justice-Science. It is likely that funding for these agencies will be combined into one appropriations package.

For information comparing FY 2018 enacted levels with FY 2019 House and Senate proposals, see our General Memoranda 18-025 of June 26, 2018, for the Indian Health Service (IHS) and 18-032 of August 16, 2018, for Indian Affairs.

The main impediment to enactment of the remaining appropriations bills is the President's insistence on $5 billion as a down payment for construction of a wall on our Nation's southern border. Originally, the President had requested $1.6 billion in his FY 2019 budget for the wall, an amount contained in the Senate FY 2019 Homeland Security funding bill for securing the border. Later, the President changed that amount to $5 billion; however, the Administration has never filed a budget amendment with Congress detailing how this increased funding would be used. Despite the lack of a formal budget amendment request, the House obliged and has included the $5 billion in their FY 2019 Homeland Security funding bill. At times, the President has said he will stand firm for the $5 billion and would veto the appropriations bill if it did not contain that funding level, thus causing a partial government shutdown.

The CR which provides funding through December 21 also continues provisions from the previous CR including:
• Extension of the authorizations to December 21, 2018, for the Violence Against Women Act (VAWA), the National Flood Insurance Program, and the Temporary Assistance for Needy Families program (TANF). We note that the TANF program receives its funding on a quarterly basis and so has already been funded through December 2018 via the previous CR.
• Authority for agencies to make entitlement payments that are due within 30 days of the expiration of the CR; and
• IHS staffing and operations funding for facilities that were opened, renovated or expanded in FY 2018: $14,112,000 from the Services Account and $1,200,000 from the Facilities Account in addition to the funding that would be provided in the CR.

As is common in CRs, the funds will not be distributed for programs that may have high initial rates of operation or for funds which are fully distributed at the beginning of the fiscal year. This is because of the possibility that Congress might eliminate or reduce funding for those particular programs in a final appropriations bill. Agencies are to use the most limited funding action permitted in the Act in order to provide for continuation of projects and activities. Agencies will be allowed to apportion funds in a manner that would avoid furloughing employees.

The agencies for which FY 2019 appropriations have already been enacted are Defense and Labor-Health and Human Services-Education (PL 115-245); and Energy-Water; Military Construction-Veterans Administration; and Legislative Branch (PL 115-244).

Senate Passes FY 2019 Continuing Resolution through December 7; House Passage Expected Next Week
Hobbs-Straus General Memorandum 18-034, September 19th, 2018

“On September 18, 2018, the Senate overwhelmingly approved HR 6157, a Continuing Resolution (CR) to fund the federal government through December 7, 2018, at largely FY 2018 terms and spending levels. The House is not in session this week but the measure is expected to be considered expeditiously when the House returns next week. The CR is designed to give Congress leeway to continue negotiating the remaining FY 2019 spending bills even after the beginning of the new fiscal year (October 1, 2018).

In addition to the CR, the following are included in HR 6157:
• Full year FY 2019 appropriations for Defense and for Labor-Health and Human Services-Education;
• Extension of the authorizations to December 7, 2018, for the Violence Against Women Act (VAWA) and the Temporary Assistance for Needy Families program (TANF), both of which are set to expire October 1, 2018;
• Authority for agencies to make entitlement payments that are due within 30 days of the expiration of the CR; and
• Indian Health Service (IHS) staffing and operations funding for facilities that were opened, renovated or expanded in FY 2018: $14,112,000 from the Services Account and $1,200,000 from the Facilities Account.
As is common in CRs, the funds will not be distributed for programs that may have high initial rates of operation or for funds which are fully distributed at the beginning of the fiscal year. This is because of the possibility that Congress might eliminate or reduce funding for those particular programs in a final appropriations bill. Agencies are to use the most limited funding action permitted in the Act in order to provide for continuation of projects and activities. Agencies will be allowed to apportion funds in a manner that would avoid furloughing employees.


Remaining FY 2019 Appropriations. A pending package of FY 2019 appropriation bills covering Interior, Environment and Related Agencies (which funds Indian Affairs and the IHS), Agriculture, Transportation-Housing, and Financial Services is still being worked on by conferees. Apparently still unresolved are matters regarding several policy riders and the issue of a federal pay raise.

Still to be conferenced are State-Foreign Ops and Commerce-Justice-Science. Regarding Homeland Security, we understand that further action will not take place on that bill until after the mid-term elections, thus putting off the highly contentious issue of funding for a wall on our southern border.”

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President Signs FY 2019 Continuing Resolution through December 7; Interior and Related Agencies Appropriations to be Funded through the CR
Hobbs-Straus General Memorandum 18-035, September 30th, 2018
https://www.hobbsstraus.com/general-memorandum-18-035

Today, the President signed HR 6157, a Continuing Resolution (CR) to fund those federal agencies through December 7, 2018, at largely FY 2018 terms and spending levels, for which FY 2019 appropriations bills have yet to be enacted. The CR is designed to give Congress leeway to continue negotiating the remaining FY 2019 spending bills even after the beginning of the new fiscal year (October 1, 2018). Attached to the CR is full year FY 2019 appropriations for the Defense and the Labor-Health and Human Services-Education agencies.

We had hoped that the FY 2019 appropriations package which would have funded Interior, Environment and Related Agencies; Agriculture; Transportation and Housing; and Financial Services would have also been finalized and enacted for the full year. While negotiations took place over the course of several weeks, a number of issues were not able to be resolved before the beginning of the new fiscal year, October 1, 2018. These agencies will instead be funded by the CR through December 7, 2018. For our General Memoranda comparing FY 2018 enacted levels with FY 2019 proposals, see General Memorandum 18-025 of June 26, 2018, for the Indian Health Service (IHS) and General Memorandum 18-032 of August 16, 2018, for Indian Affairs. Other agencies that will be funded under the CR are Homeland Security; State-Foreign Operations; and Commerce-Justice Science.
The agencies for which appropriations have already been enacted (in addition to Defense and Labor-Health and Human Services-Education), are Energy-Water; Military Construction-
Veterans Administration; and Legislative Branch (PL 115-244).

In addition to the CR, the following are included in HR 6157:
• Extension of the authorizations to December 7, 2018, for the Violence Again Women Act
(VAWA) and the Temporary Assistance for Needy Families program (TANF), both of which are set to expire October 1, 2018;
• Authority for agencies to make entitlement payments that are due within 30 days of the expiration of the CR; and
• IHS staffing and operations funding for facilities that were opened, renovated or expanded in FY 2018: $14,112,000 from the Services Account and $1,200,000 from the Facilities Account in addition to the funding that would be provided in the CR.

As is common in CRs, the funds will not be distributed for programs that may have high initial rates of operation or for funds which are fully distributed at the beginning of the fiscal year. This is because of the possibility that Congress might eliminate or reduce funding for those particular programs in a final appropriations bill. Agencies are to use the most limited funding action permitted in the Act in order to provide for continuation of projects and activities. Agencies will be allowed to apportion funds in a manner that would avoid furloughing employees.

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FY 2019 Indian Affairs Administration's Request vs House and Senate Recommendations
Hobbs-Straus General Memorandum 18-032, August 16th, 2018
http://www.hobbsstraus.com/general-memorandum-18-032

“In this Memorandum we report on the House and Senate's recommendations for the FY 2019 Indian Affairs budget (which includes the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE)), as well as a few other selected programs in the Interior, Environment and Related Agencies appropriations bill, compared with the Administration's request. The House's Interior, Environment and Related Agencies appropriations bill and accompanying report are HR 6147, H. Rept. 115-765, while the Senate's bill and report are S 3073 and S. Rept. 115-276. To get to a House Floor vote, the House Interior appropriations bill was packaged with the House Financial Services and General Government appropriations bill. Subsequently, the Senate took up the House-passed package and amended it with its own bill language for Interior, Environment and Related Agencies; Financial Services and General Government; Agriculture; and Transportation-Housing and Urban Development. Differences between the two proposals will need to be worked out in conference committee when both Chambers return in September. Because the fiscal year begins October 1, 2018, Congress may resort to a Continuing Resolution to fund some federal agencies at FY 2018 terms and conditions while the conference committees negotiate.

INDIAN AFFAIRS (IA) OVERVIEW

Fortunately for Indian Country, the House recommends $3.1 billion for Indian Affairs while the Senate recommends $3 billion—a stark contrast to the $2.4 billion requested by the Trump Administration. (For reference, the FY 2018 enacted amount is $3 billion.) The FY 2018 enacted funding levels and Congress's FY 2019 recommended funding levels reflect a broad two-year
deal reached by Congress to readjust the spending caps for FY 2018 and FY 2019 for both domestic and defense accounts.

For FY 2019 the Administration requested lower spending levels and the zeroing out of many programs, including much of the funding associated with the Tiwahe Initiative. Further, throughout the budget the Administration had estimated, "Administrative savings attained by consolidating and sharing administrative services such as procurement, Information Technology and Human Resources, and by shifting acquisition spending to less costly contracts."

The House and Senate responded by generally ignoring the Administration's request and recommending funding levels similar to FY 2018 with increases for fixed costs as well as some targeted increases.

The House Report explains:

All subactivities and program elements presented in the budget estimate submitted to the Congress are continued at fiscal year 2018 enacted levels and adjusted for requested fixed costs and transfers. None of the requested program changes are agreed to unless specifically addressed below.

The Senate Report also reminds the Administration of previously requested information, which remains outstanding:

… budget reductions proposed in the request are not included in the recommendation. Other budget reductions proposed in the request are not included in the recommendation. The Committee has included fixed costs and internal transfers as proposed along with the following instructions.

The Committee would like to remind the Bureau of the importance of meeting reporting requirements and notes that the Bureau has not submitted reports as directed over the last several fiscal years. The Committee directs the formation of these reports in order to help determine funding levels for programs; therefore, if the Bureau cannot produce information as requested, the Committee may not be able to properly evaluate programs and future funding levels may be impacted.

The addition of many Bureau programs to the Government Accountability Office’s [GAO] 2018 high risk list (GAO–17–317) indicate there are several challenges to overcome in order to improve the Federal management of programs that serve Tribes and their members. The Committee stands ready to work with the Bureaus to implement the GAO recommendations and strongly encourages the Bureau to make these necessary changes.

The In keeping with prior years, the following statement of values is included in the House Report:

The Bureau of Indian Affairs, Bureau of Indian Education, and Office of the Assistant Secretary—Indian Affairs (together, "Indian Affairs") programs serve 573 federally recognized Indian Tribes, a service population of approximately two million American Indians and Alaska Natives in Tribal and Native communities. The Bureau of Indian Affairs provides direct services
and funding for compacts and contracts for Tribes to provide Federal programs for a wide range of activities necessary for community development. Programs address Tribal government, natural resource management, trust services, law enforcement, economic development, and social service needs. The Bureau of Indian Education manages a school system with 169 elementary and secondary schools and 14 dormitories providing educational services to 47,000 individual students, with an Average Daily Membership of 41,000 students in 23 States. The BIE also operates two post-secondary schools and administers grants for 29 Tribally controlled colleges and universities and two Tribal technical colleges. In preparation for the fiscal year 2019 appropriation bill, the Subcommittee held two days of hearings and received testimony from over 80 witnesses on a variety of topics pertaining to American Indian and Alaska Native programs. The Federal government has a legal and moral obligation to provide quality services to American Indians and Alaska Natives. On a nonpartisan basis, the Committee continues to protect and, where possible, strengthen the budgets for Indian Country programs in this bill in order to address longstanding and underfunded needs [emphasis added].

Department of Interior Reorganization. For FY 2019, to comply with President Trump's Executive Order 13781 on a Comprehensive Plan for Reorganizing the Executive Branch, each federal agency is creating a reorganization plan. See our General Memorandum 17-025 of April 14, 2017. The Department of Interior is proposing to reorganize around common regional boundaries to "enhance coordination of resource decisions and policies and simplify how citizens engage with the Department". Since iterations of the proposed reorganization plan have been made public, there has been significant pushback from tribes. Secretary Zinke has indicated that BIE will not be part of this since it is already in the process of reorganizing and that it could be up to tribes to determine whether the BIA is included in the proposed reorganization or not. Many tribes have expressed concern about the proposed reorganization—both in terms of the structure of the proposed reorganization as well as the level of consultation with tribes. One concern about the proposal to align offices along regional boundaries and push more decisions to the regional level is that tribes interact with other bureaus and offices in the Department of Interior beyond Indian Affairs so it might not be easy for tribes to simply "opt out." The House's and Senate's responses are found under the EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES and the OFFICE OF THE SECRETARY—DEPARTMENTAL OPERATIONS sections of this report.

Public Lands Infrastructure Initiative. For FY 2019, the Administration is proposing the creation of a new Public Lands Infrastructure Fund (Fund) to "address repairs and improvements in national parks, national wildlife refuges, and Bureau of Indian Education-funded schools." However, in order for the Fund to accrue a balance that can be spent on these projects, the Administration is proposing that 50% of any revenues from energy leasing above the current FY 2018 baseline be deposited into the Fund for a period of 10 years, with the total deposits capped at $18 billion (the other 50% of increased revenues would go to the Treasury to support deficit reduction). The Administration estimates that this would result in $6.8 billion in expenditures from the Fund over 10 years. On the other hand, the Department of Interior's Royalty Policy Committee is also considering sharply lowering the royalty rate for these energy leases. Thus, there would need to be substantially more energy development on public lands in order for the proposed Fund to accrue this estimated amount. Congress is currently considering this proposed Public Lands Infrastructure Fund as separate legislation. Further information about the Administration's request for regular appropriations for school maintenance and repair—as well
as the House's and Senate's responses—are found under the EDUCATION CONSTRUCTION subsection of this report.

OPERATION OF INDIAN PROGRAMS

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Operation of Indian Programs (OIP) budget includes the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).

Tribal Priority Allocations (TPA). The House Report affirms the importance of TPA programs:

The recommendation includes $706,373,000 for Tribal Priority Allocation (TPA) programs, $15,289,000 above the fiscal year 2018 enacted level and $127,698,000 above the budget request. TPA programs fund basic Tribal services, such as social services, job placement and training, child welfare, natural resources management, and Tribal courts. TPA programs give Tribes the opportunity to further Indian self determination by establishing their own priorities and reallocating Federal funds among programs in this budget category.

BUREAU OF INDIAN AFFAIRS

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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

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The Tribal Government sub-activities are: Aid to Tribal Government; Consolidated Tribal Government Program; Self-Governance Compacts; New Tribes; Small and Needy Tribes; Road Maintenance; and Tribal Government Program Oversight. (For funding levels by sub-activity, see attached budget charts from p. 175-176 of the House Report and p. 129 of the Senate Report).

The House and Senate rejected the Administration's proposed cuts, including the proposal to zero out funding for the Small and Needy Tribes sub-activity. For some sub-activities, modest increases are recommended.
Consolidated Tribal Government Program. The Senate Report states: The Committee is concerned about the funding and allocation for the Consolidated Tribal Government Program and has included the fiscal year 2018 enacted level for this program along with fixed costs. The Committee again requests the Bureau report back to the Committee within 30 days of enactment of this act with a description of the number of Tribes that use this program and how increases for this program compare to others that offer similar services.

Self-Governance Compacts. This sub-activity provides resources to new and existing self-governance tribes, enabling them to plan, conduct, consolidate and administer programs, services, functions, and activities for tribal citizens. The Senate recommended a $1.1 million increase above FY 2018.

New Tribes. This sub-activity provides $160,000 in Tribal Priority Allocation (TPA) base funding per tribe to support newly federally-recognized tribes. Once a tribe has been acknowledged, it remains in this category for three fiscal years. Congress concurred with the Administration's request for $1,120,000 to provide initial federal support for the six Virginia tribes federally recognized by an Act of Congress in January 2018: the Chickahominy, the Eastern Chickahominy, the Upper Mattaponi, the Rappahannock, the Monacan, and the Nansemond. The Senate Report elaborates that, "the Committee is also aware that new Tribes seeking Tribal recognition are often met with delay. The Committee expects the Bureau to efficiently administer the Tribal recognition process and strongly encourages action on pending requests."

Small and Needy Tribes. The purpose of this sub-activity is to provide small tribes with a minimum Tribal Priority Allocation (TPA) base funding by which they can support their tribal governments. The House and Senate rejected the Administration's request to zero out this sub-activity, instead proposing level funding ($4,448,000). The Senate Report explains that, "This funding will enable all small and needy Tribes to receive the maximum base level provided by the Bureau to run Tribal governments and directs the Bureau to make these payments quickly after the apportionment is approved."

Road Maintenance. The House recommends a $3.6 million increase for this sub-activity while the Senate recommends near-level funding. With regard to school bus routes, the House Report directs: "Indian Affairs is urged to use the increase to improve the condition of unpaved roads and bridges used by school buses transporting students." The Senate Report once again requests an update on the implementation of the Government Accountability Office's recommendations:

The Committee is concerned about the future funding of the Road Maintenance account, the backlog for deferred maintenance of roads in Indian Country, and the implementation of roads data in the National Tribal Transportation Facility Inventory; therefore, the Committee directs the Bureau to report back to the Committee within 60 days of enactment of this act on how the Bureau plans to allocate the funds provided in the bill and the progress being made to implement the GAO recommendations outlined in the report GAO–17–423. Within the program funding for road maintenance, $1,000,000 is continued for the implementation of the NATIVE Act of 2016.

HUMAN SERVICES
FY 2018 Enacted $161,063,000
FY 2019 Admin. Request $115,358,000
FY 2019 House $161,416,000
FY 2019 Senate $161,416,000

The Human Services sub-activities are: Social Services; Welfare Assistance; Indian Child Welfare Act (ICWA); Housing Improvement Program (HIP); Human Services Tribal Design; and Human Services Program Oversight. (For funding levels by sub-activity, see attached budget charts from p. 176 of the House Report and p. 129 of the Senate Report).

Tiwahe Initiative. The House and Senate once again rejected the Administration's proposed cuts to the individual Human Services sub-activities (many of which support the broader Tiwahe Initiative) as well as the Administration's proposal to zero out funding for the Tiwahe Initiative demonstration project and the Housing Improvement Program sub-activity.

The House Report provides the following direction:

Funding for the Tiwahe (family) initiative is restored. As originally proposed by the Department and supported by the Congress, fiscal year 2019 is the fifth and final year of the initiative. After the fiscal year has ended, and in consultation with affected Tribes, the Bureau is directed to publish a final report that includes measures of success and guidelines for other Tribes wanting to implement the model with Tribal Priority Allocation funds.

The Senate Report elaborates:

The recommendation includes funding to continue the Tiwahe Initiative at the enacted levels. The Committee believes this initiative is a way to help strengthen Tribal communities by leveraging programs and resources; however, it is important to measure program effectiveness. The Committee directs the Bureau to report back within 90 days of enactment of this act on the performance measures being used to monitor and track the initiative’s effectiveness in Indian country. Within the amounts provided for Tiwahe, at least $300,000 is to be used to support women and children's shelters that are serving the needs of multiple tribes or Alaska native Villages in the areas served by Tiwahe pilot sites. The Committee continues to support the Tiwahe pilot initiative; however, the Committee understands there are significant social service needs in Indian Country. The Committee directs the Bureau to report back within 180 days of enactment of this act on the status of the National Training Center for Indian Services and how this Center will seek to improve social services across Indian Country.

Welfare Assistance. Once again, the Senate Report requests the following information:

The Committee remains concerned about the funding distribution for welfare assistance and directs the Bureau to report back to the Committee upon enactment of this act on how this funding would be distributed.

TRUST–NATURAL RESOURCES MANAGEMENT

FY 2018 Enacted $204,202,000
FY 2019 Admin. Request $153,424,000
FY 2019 House $207,370,000
FY 2019 Senate $204,870,000

The Trust–Natural Resources Management sub-activities are: Natural Resources, general; 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. (For funding levels by sub-activity, see attached budget charts from p. 176-177 of the House Report and p. 129-130 of the Senate Report).

The House and Senate rejected the Administration's proposed cuts, as well as the Administration's proposal to zero out funding for the Tribal Climate Resilience/Cooperative Landscape Conservation sub-activity. Instead, the Chambers recommended funding the Trust–Natural Resources Management sub-activities at close to FY 2018 enacted levels.

Tribal Management/Development Program, including Cooperative Agreements and Alaska Subsistence. The Senate Report directs:

Within the amounts, $12,036,000 is provided for the Tribal Management/Development Program. The recommendation does not include the proposed cuts to the rights protection implementation program or the invasive species program. It is the Committee's understanding the Bureau has entered into cooperative agreements with Ahtna Inter Tribal Resource Commission and the Kuskokwim River Inter-Tribal Fisheries Commission with other organizations interested in establishing similar agreements; therefore, it is the Committee’s expectation that within the funding provided, pilot projects and programs for Alaska subsistence will continue.

Funding Distributions for Tribes East of the Mississippi River. The Senate Report states: The Committee recognizes that many Tribes west of the Mississippi River tend to have reservations that are larger in terms of land mass than those east of the Mississippi River and face challenges including drought. However, the Committee expects that Tribes across the country who have resource challenges receive appropriate funding.

Resource Management Agreements with Tribes. The Senate Report directs:

The Department of the Interior is expected to promote and expand the use of agreements with Indian Tribes to protect Indian trust resources from catastrophic wildfire, insect and disease infestation, or other threats from adjacent Federal lands, as authorized by law. The Committee directs the Bureau to coordinate with the Office of Wildland Fire to submit a report describing how the Department determines the use of wildfire suppression and rehabilitation resources and prioritizes Indian forest land.

Coastal Tribes. The House Report directs:

The Committee supports the Bureau of Indian Affairs’ efforts to address the needs of coastal Tribal communities by working to address threats to public safety, natural resources, and sacred sites. Consistent with the Federal government’s treaty and trust obligations, the Committee
directs the Bureau of Indian Affairs to work with at-risk Tribes to identify and expedite the necessary resources.

Fish, Wildlife, and Parks. The House Report directs:

Within the amounts provided for Fish, Wildlife, and Parks, the recommendation continues $545,000 for substantially producing Tribal hatcheries in BIA’s Northwest Region currently not receiving annual BIA hatchery operations funding. This funding should be allocated in the same manner as in fiscal year 2018 but should be considered base funding in fiscal year 2019 and thereafter.

Pacific Salmon Treaty. The Senate Report directs:

The Committee directs the Bureau to report back in 30 days of enactment of this act with a detailed cost estimate of the Bureaus responsibilities under the Pacific Salmon Treaty. Tribal Partnerships with USGS. The Senate Report directs: The Committee continues direction for the Bureau to enter into a formal partnership with local Tribes and the United States Geological Survey to help develop a water quality strategy for transboundary rivers.

TRUST–REAL ESTATE SERVICES

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The Trust–Real Estate Services sub-activities are: Trust Services; Navajo-Hopi Settlement Program; Probate; Land Title and Records Offices; Real Estate Services; Land Records Improvement; Environmental Quality; Alaska Native Programs; Rights Protection; and Trust-Real Estate Services Oversight.

The House and Senate rejected the Administration's proposed cuts, including the Administration's proposal to zero out funding for the Alaska Native Programs sub-activity and the Litigation Support/Attorney Fees program element within the Rights Protection sub-activity. The Senate Report explains that the recommended increase above the FY 2018 enacted level is to cover fixed costs and internal transfers.

Alaska Native Programs. Not only did the House and Senate reject the Administration's request to zero out the sub-activity, the Senate Report specifies that within the amount recommended, there continue to be a program level of $450,000 for "the certification of historical places and cultural sites, including Alaska Native Claims Settlement Act sites."

Realty Trust Acquisition Program. The House Report directs:

The Committee directs the Assistant Secretary for Indian Affairs to identify the funding determined necessary, in collaboration with congressional and agency stakeholders, within the Trust—Real Estate Services budget activity to improve the efficiency of the Realty Trust acquisition program at BIA. The Committee understands that the program has long suffered from
shortages of personnel which has resulted in a history of backlogs, slow processing times and has hindered engagement with Tribes and Tribal members.

Furthermore, the Committee understands the program is transitioning to a more automated tracking process and looks forward to more timely and accurate processing and reporting. The Committee expects the Assistant Secretary of Indian Affairs to be in regular communication with the Committee regarding direction or assistance needed until the problems of backlogs and slow processing times have been adequately resolved.

Elwha River Ecosystem and Fisheries Restoration Act. The House Report, echoing the FY 2018 Joint Explanatory Statement, directs:

The Committee directs the Secretary, or his designee, to work with the Lower Elwha Klallam Tribe to identify appropriate lands in Clallam County, Washington, to satisfy the requirements of section 7 of the Elwha River Ecosystem and Fisheries Restoration Act (P.L. 102–495).

Abandoned Wells. The Senate Report, echoing the FY 2018 Joint Explanatory Statement, directs:

The Committee directs the Bureau to conduct an inventory of wells for which BIA is responsible to reclaim, including cost estimates, for submission to the Committee within 90 days of enactment of this act.

Fee-to-Trust. The Senate Report states:

The Committee notes the Bureau's ongoing public comment period concerning the revision of fee-to-trust regulations and directs the Bureau to report to the Committee within 30 days of the date of the enactment of this act concerning the status of all pending applications before the Bureau, including detail on tribal consultation undertaken during the revision process.

PUBLIC SAFETY AND JUSTICE

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The Public Safety and Justice sub-activities are: Law Enforcement; Tribal Courts; and Fire Protection. (For funding levels by sub-activity, see attached budget charts from p. 179 of the House Report and p. 131 of the Senate Report).

The House and Senate rejected the Administration's proposed cuts, including the proposal to zero out Tribal Justice Support for tribes in PL 280 states and for the implementation of the Violence Against Women Act (VAWA). While the Senate proposed largely level funding, the House Report specifies the following increases:

The recommendation includes $418,915,000 for Public Safety and Justice. Program increases include: $2,500,000 in Criminal Investigations and Police Services to bring the total to $10,303,000 for additional patrol officers in areas hit hardest by the opioid epidemic; $1,148,000
for facility operations and maintenance; and $8,000,000 for Tribal courts. The Committee recognizes that one of the most fundamental aspects of the Federal government's Trust responsibility is the obligation to protect public safety on Tribal lands.

Tiwahe Initiative: Reducing Recidivism. The Senate Report emphasizes, "The Committee also expects the recidivism initiative administered through the Tiwahe initiative to be continued at current levels."

Impacts of Opioid Addictions. This funding first appeared in the FY 2018 Omnibus. The Senate Report specifies, "… and $7,500,000 is continued to help people affected by opioid addiction."

NAGPRA Implementation. This funding is also a recent addition. The Senate Report specifies:

Within the funding provided for criminal investigations and police services, $1,000,000 is to be continued for the implementation of Native American Graves Protection and Repatriation Act.

Law Enforcement Funding for Restored Tribes. The Senate Report once again provides the following direction and once again requests following report:

The Committee understands that several Tribes who were terminated and then subsequently restored now face significant challenges in securing law enforcement funding through self-determination contracts. The Bureau is directed to work with affected Tribes to assess their law enforcement needs and submit a report to the Committee within 60 days of enactment of this act that details the amounts necessary to provide sufficient law enforcement capacity for these Tribes.

Educational and Health-Related Services for Individuals in Tribal Detention Centers Considered Allowable Costs. The House Committee continued report language from FYs 2017 and 2018, stating:

For the purpose of addressing the needs of juveniles in custody at Tribal detention centers operated or administered by the BIA, educational and health-related services to juveniles in custody are allowable costs for detention/corrections program funding. Indian Affairs is urged to provide mental health and substance abuse services when needed by juvenile and adult detainees and convicted prisoners.

Tribal Courts and Tribal Justice Support in PL 280 States. The House and Senate rejected the Administration's request to zero out judicial funding for tribes in PL 280 states. The Senate Report provides the BIA with the following continued direction:

The Committee does not accept the proposed decrease for Tribal justice support and restores this amount to ensure $13,000,000 remains available to address the needs of Public Law 83–280 States. The Committee remains concerned about the Tribal courts needs as identified in the Indian Law and Order Commission’s November 2013 report which notes Federal investment in Tribal justice for Public Law 83–280 States has been more limited than elsewhere in Indian Country. The Committee expects the Bureau to continue to work with Indian Tribes and Tribal organizations to consider options that promote, design, or pilot Tribal court systems for Tribal communities subject to full or partial State jurisdiction under Public Law 83–280.
VAWA Implementation and Tribal Justice Support. The House and Senate rejected the Administration's request to zero out funding for VAWA Implementation. The Senate Report provides the BIA with the following continued direction:

Within the amounts provided, the Committee also continues $2,000,000 for the implementation of the Violence Against Women Act [VAWA] for both training and VAWA specific Tribal court needs.

COMMUNITY AND ECONOMIC DEVELOPMENT

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The Community and Economic Development sub-activities are: Job Placement and Training; Economic Development; Minerals and Mining; and Community Development Oversight.

The House and Senate rejected all of the Administration's proposed cuts, including the proposal to zero out the elements of the Tiwah Initiative funded under Job Placement and Training sub-activity. The Senate Report states that the Committee "expects the funding for the Tiwah initiative will continue at enacted levels." The House and Senate also continue targeted increases to fund implementation of the NATIVE Act and to modernize the National Indian Oil and Gas Management System (NIOGEMS).

Implementation of the NATIVE Act. The House and Senate agreed to continue directing $3.4 million of Community Development-Central Oversight funds towards implementation of the Native American Tourism and Improving Visitor Experience Act (NATIVE Act). The House Report explains that this implementation can continue to occur "via cooperative agreements with Tribes or Tribal organizations…"

Minerals and Mining and NIOGEMS. The House and Senate propose to continue directing a portion of funding under the Minerals and Mining sub-activity to the modernization of oil and gas management (including the National Indian Oil and Gas Management System (NIOGEMS)). The House Report proposes a $2 million increase:

The recommendation includes a program increase of $2,000,000 in Minerals and Mining Projects for modernizing oil and gas records management in Bureau of Indian Affairs Agency Offices, including: digitizing oil and gas lease and other records; deploying computer systems such as the National Indian Oil and Gas Management System (NIOGEMS); and providing petroleum engineers and geologists to train and advise Agency Office staff and Tribal Minerals Oversight entities.

The Senate Report proposes a $1 million increase and requests following report:

The recommendation continues program increases of $1,000,000 for the modernization of oil and gas records including the National Indian Oil and Gas Management System [NIOGEMS]. The Committee understands the NIOGEMS has been distributed to some Tribes and regional offices.
and instructs the Bureau to report back within 120 days of enactment of this act on the cost to further expand this system to more reservations and offices.

GAO High Risk Report. The Senate Committee once again requests the following response to the high risk GAO report (GAO-17-317):

The recent GAO high risk report found the Bureau does not properly manage Indian energy resources held in trust and thereby limits opportunities for Tribes and their members to use those resources to create economic benefits in their communities. The Committee requests the Bureau work to make the necessary changes recommended by the GAO report and report back to the Committee outlining any barriers, statutory or regulatory, that prohibit or slow the pace of resource development as well as a status update on the open items that still need to be implemented according to the GAO report.

Office of Indian Energy and Economic Development. The House Report proposes the following increase and expectations:

The recommendation includes a program increase of $3,000,000 for the Office of Indian Energy and Economic Development to provide more assistance for: feasibility studies of development projects; greater access to private financing for such projects; technical assistance for more Tribes to establish commercial codes, courts and other business structures to enhance economic development; building Tribal capacity for leasing Tribal lands and managing economic and energy resource development; and incubators of Tribal-owned and other Native American-owned businesses. The Office is expected to track accomplishments for each of these purposes, and to report annually in its budget justification.

EXECUTIVE DIRECTION AND ADMINISTRATIVE SERVICES

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The Executive Direction and Administrative Services sub-activities 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.

The Administration requested a number of cuts, the most substantial being:

- a $6 million cut to the Administrative Services sub activity, largely in the form of a staffing cut of 44 Full Time Equivalent (FTE) positions. The House concurred with this request for cuts to Administrative Services (Central) and (Regional) program elements but not for the Administrative Services (Tribal Priority Allocation) program element.
- a $9 million cut to the Information Resources Technology sub-activity, which includes a staffing cut of 11 Full Time Equivalent (FTE) positions.
The Administration also requested a number of smaller cuts to other sub-activities and certain program elements. The House concurs with the requested spending levels for the following sub-activities and program elements: Assistant Secretary Support; Executive Direction (Central); Executive Direction (Regional); and Rentals.

Reorganization to Common Regional Boundaries. The Administration did request one modest, targeted increase to the Human Resources sub-activity "to support the Department's migration to common regional boundaries to improve service and efficiency." The Administration explained, "Organizing the bureaus along common geographic lines will allow for more integrated and better coordinated decision making across the Department. The Department will hold a robust consultation process with tribal nations before actions are made with respect to Indian Affairs regions." The House Report concurs with this request, stating, "The increase requested for common regional boundaries is provided from within funds."

Health and Safety Inspections at BIE System Facilities. The House Report continues language from FY 2018, directing, "Indian Affairs is directed to complete annual health and safety inspections of all BIE system facilities and to publish quarterly updates on the status of such inspections."

BIE Vacancies. The House Report directs "Human Resources is directed to make filling vacancies within the Bureau of Indian Education its highest priority."

Operating and Law Enforcement Needs for Treaty Fishing Sites on the Columbia River. The Senate Report continues language from FYs 2017 and 2018, once again requesting the following report:

The Committee notes that the Bureau has not yet complied with the fiscal year 2018 directive to provide a report on funding requirements associated with operating and law enforcement needs for congressionally authorized treaty fishing sites on the Columbia River. The Bureau is directed to transmit the report no later than 30 days following enactment of this act. The Bureau is also urged to incorporate unfunded needs for these sites as part of the Bureau's fiscal year 2020 budget.

Implementation of Amendments to the "477" Program. The Senate Report states, "The Committee is concerned the Indian Employment, Training and Related Services Act, as amended, has not been fully implemented. The Bureau shall report back within 60 days of enactment of this act on the status of implementation."

BUREAU OF INDIAN EDUCATION

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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 sub-activities 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.

The House and Senate rejected the dramatic cuts proposed by the Administration but differ on how to handle the one-time $16.8 million increase provided in FY 2018 to complete the transition to a school year (forward funded) funding cycle for all Tribal colleges and universities. The House is proposing to continue that increased funding level from FY 2018 but distribute the increase across a number of other BIE sub-activities, described in more detail below. The Senate is largely proposing to continue FY 2018 spending levels but omit the amount attributed to the one-time increase.

Implementation of the BIE Transformation and GAO Recommendations.

The House Report states:

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 next fiscal year budget request, and to submit to the Committees a corresponding updated workforce plan.

The Senate Report states:

The Committee fully supports making the needed reforms to the Bureau of Indian Education [BIE] in order to improve the quality of education offered to address the performance gap of student’s education at BIE-funded schools. The first phase of the current reform effort was approved in 2015; however, the Committee has not received any updated information on the next phase nor has the Bureau complied with Committee directives to report on the status of multiple programs as part of the fiscal year 2018 appropriations process. Over the past 3 years, the GAO has issued several reports (GAO–13–774, GAO–15–121, GAO–17–447, GAO–17–421, and GAO–16–313) outlining management challenges at the Bureau and there are still outstanding open recommendations to address as well as additional issues outlined in the high risk report (GAO–17–317). The Committee is fully supportive of efforts to reform and better the system, but concerns about how the Bureau manages funding, tracks school conditions, and manages the overall school system remain. 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 of enactment of this act on the progress made towards implementing all the GAO recommendations and the current status of the reform effort as well as the status of Congressional directives.

Inter-Agency Coordination to Serve Native Children. The House and Senate Reports continue language from prior fiscal years urging greater inter-agency coordination in order to better serve Native students:

The House Report states:

The BIE is encouraged to coordinate with the Indian Health Service to integrate preventive dental care and mental health care at schools within the BIE system.

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 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. 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.

Bill Language Continuing Limitations on New Schools and the Expansion of Grades, Charter Schools, Satellite Locations and BIE-funded Schools in Alaska. For FY 2019, the Administration requested the continuation of this limiting language from fiscal years prior to FY 2018. Notably in FY 2018, Congress modified the restriction on BIE funds being used to support expanded grades for any school or dormitory beyond its current grade structure to provide additional (limited) circumstances when this can be permitted. The House and Senate Reports propose to continue this modified language.

The House Report explains the intent of these restrictions and also clarifies how the restrictions on charter schools and satellite locations should be interpreted:

The bill continues language limiting the expansion of grades and schools in the BIE system while allowing for the expansion of additional grades to schools that meet certain criteria. 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.

The bill continues 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.

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FY 2019 Senate $580,681,000

The Elementary and Secondary forward funded sub-activity includes the following program elements: ISEP Formula Funding; ISEP Program Adjustments; Education Program Enhancements; Tribal Education Departments; Student Transportation; Early Childhood Development; and Tribal Grant Support Costs (formerly titled Administrative Cost Grants).
Funds appropriated for FY 2019 for these programs will become available for obligation on July 1, 2019, for SY 2019-2020. (For funding levels by program element, see attached budget charts from p. 177 of the House Report and p. 130 of the Senate Report).

The House and Senate rejected the Administration's request for overall cuts and request to zero out funding for Tribal Education Departments and for Early Childhood Development (commonly referred to as the FACE program). Further, they rejected the Administration's lower estimate for what would constitute full funding for Tribal Grant Support Costs. While the Senate is proposing level funding, the is House proposing a $1.1 million increase.

ISEP and Language and Culture. The House and Senate rejected the Administration's request to cut $24.8 million from ISEP Formula Funds and instead recommend a $1.2 million increase. Further, they rejected the requested $2.8 million cut to ISEP Program Adjustments. The Senate Report emphasizes that ISEP funds should be used to enhance access to Native language and culture programs:

The Committee fully supports broadening access to Native language and culture programs, which have been linked to higher academic achievement for Native youth. The Committee expects the Individual Student Equalization Program should continue to enhance access to Native language and culture programs in BIE-funded schools and directs the Bureau to report within 60 days of enactment of this act on how previous funding provided has been and can continue to be used to support these programs.

Education Program Enhancements and Language Immersion. The House and Senate rejected the Administration's proposal to cut $5.9 million from this program element; however, they differ on how much to set aside for capacity building grants to expand Native language immersion.

The House Report states:

Education Program Enhancements … include $3,000,000 for capacity building grants for Bureau and tribally operated schools to expand existing language immersion programs or to create new programs. Prior to distributing these funds, the Bureau shall coordinate with the Department of Education and Department of Health and Human Services to ensure that Bureau investments complement, but do not duplicate, existing language immersion programs.

The Senate Report states:

Within the funds provided for education program enhancements, $2,000,000 is directed to continue native language immersion grants. The Bureau is expected to report within 60 days of enactment of this act regarding the status of fiscal year 2018 funds and the planned distribution of funds in this act.

Student Transportation. The House and Senate rejected the Administration's request to cut $5.4 million from this program element. The House proposes a $2.6 million increase while the Senate once again requests the following report:

The Committee is concerned by the recent Government Accountability Office report (GAO–17–423) on Tribal transportation, which identified potential negative impacts of road conditions on
Native student school attendance. The Committee recommends BIE take steps to improve its data collection on the cause of student absences, including data on road and weather conditions, and to report back to the Committee within 120 days of enactment of this act regarding its actions to improve student absence data tracking and analysis.

Elementary and Secondary Programs (Non-Forward Funded)

<table>
<thead>
<tr>
<th>FY 2018</th>
<th>Enacted</th>
<th>$141,563,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2019</td>
<td>Admin. Request</td>
<td>$114,128,000</td>
</tr>
<tr>
<td>FY 2019</td>
<td>House</td>
<td>$151,972,000</td>
</tr>
<tr>
<td>FY 2019 Senate</td>
<td>$141,972,000</td>
<td></td>
</tr>
</tbody>
</table>

The Elementary and Secondary non-forward funded sub-activity includes the following program elements: Facilities Operations; Facilities Maintenance; Juvenile Detention Center Grants; and Johnson-O'Malley Assistance Grants. (For funding levels by program element, see attached budget charts from p. 178 of the House Report and p. 130-131 of the Senate Report).

Facilities. The House and Senate also rejected the Administration's request to cut $6.2 million from the Facilities Operations and $5.8 million from Facilities Maintenance program elements. While the Senate proposes level funding for both Facilities accounts, the House recommends a $10.1 million increase for Facilities Operations.

Juvenile Detention Center Grants. In FY 2016, Congress initiated this grant program to meet the education and health-related needs of Native youth detained or incarcerated in currently operating, BIA-funded, juvenile detention centers for an extended period of time. The House and Senate rejected the Administration's request to zero it out.

Johnson O'Malley Assistance Grants. The House and Senate rejected the Administration's request to zero out funding for the Johnson O'Malley program and while neither Chamber recommends a decrease for this grant program, the Senate Report once again raises concerns about the accuracy of the student count:

The Committee remains concerned about the distribution methodology of the Johnson O’Malley [JOM] assistance grants and requests the Bureau report back to the Committee within 90 days of enactment of this act on the status of updating the JOM counts and the methodology used to determine the new counts. The Committee would like the Bureau to include what, if any, barriers there are to providing updates to the JOM count.

<table>
<thead>
<tr>
<th>Post Secondary Programs (Forward Funded)</th>
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</thead>
<tbody>
<tr>
<td>FY 2018</td>
</tr>
<tr>
<td>FY 2019</td>
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<tr>
<td>FY 2019</td>
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<tr>
<td>FY 2019 Senate</td>
</tr>
</tbody>
</table>

This sub-activity includes forward funded Tribal Colleges and Universities and forward funded Tribal Technical Colleges (United Tribes Technical College (UTTC) and Navajo Technical University (NTU)) and now, finally, Haskell and SIPI. (For funding levels by program element, see attached budget charts from p. 177 of the House Report and p. 130 of the Senate Report).
In FY 2018, Congress provided an additional $16.8 million in one-time funding to ensure that BIE-run Haskell Indian Nations University (Haskell) and the Southwestern Indian Polytechnic Institute (SIPI) finally joined the rest of the tribal technical colleges, colleges and universities on a forward funded schedule. In FY 2019, the House is proposing to redistribute a portion of that $16.8 million as follows for these Post Secondary accounts: a $1.8 million increase for Haskell and SIPI; a $3 million increase for Tribal Colleges and Universities and a $350,000 increase for Tribal Technical Colleges.

Study of Unfunded Tribal College Needs. The Senate Report once again requests the following:

The Committee also recognizes that many Tribal colleges have significant unfunded needs and directs the Bureau to work with Tribal leaders and other stakeholders to develop a consistent methodology for determining Tribal college operating needs to inform future budget requests. The Committee expects the methodology to address operating and infrastructure needs including classrooms and housing.

<table>
<thead>
<tr>
<th>Post Secondary Programs</th>
<th>(Non-Forward Funded)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2018 Enacted</td>
<td>$64,171,000</td>
</tr>
<tr>
<td>FY 2019 Admin. Request</td>
<td>$20,524,000</td>
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<tr>
<td>FY 2019 House</td>
<td>$41,658,000</td>
</tr>
<tr>
<td>FY 2019 Senate</td>
<td>$41,658,000</td>
</tr>
</tbody>
</table>

The non-forward funded Post Secondary Programs sub-activity includes: Tribal Colleges and Universities Supplements; Scholarships and Adult Education; Special Higher Education Scholarships; and the Science Post Graduate Scholarship Fund. (For funding levels by program element, see attached budget charts from p. 178 of the House Report and p. 131 of the Senate Report).

The difference between the FY 2018 enacted level and what the House and Senate recommend for FY 2019 is that it reflects the fact that Haskell and SIPI have been moved to a forward funded schedule. The Chambers rejected the Administration's request to cut Tribal Colleges and Universities Supplements and to zero out everything else.

<table>
<thead>
<tr>
<th>Education Management</th>
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</thead>
<tbody>
<tr>
<td>FY 2018 Enacted</td>
</tr>
<tr>
<td>FY 2019 Admin. Request</td>
</tr>
<tr>
<td>FY 2019 House</td>
</tr>
<tr>
<td>FY 2019 Senate</td>
</tr>
</tbody>
</table>

The Education Management sub-activity consists of Education Program Management and Information Technology.

The House and Senate rejected the Administration's request to cut $9.4 million from Education Program Management and $2.5 million from Information Technology.

High-Speed Internet Access for Schools. The Administration, while requesting a $2.5 million program cut, stated in their FY 2019 budget justification that, "The BIE's highest priorities are expanding available bandwidth at BIE-funded schools and maintaining a modern IT
infrastructure to keep pace with developments in education."
The Senate Report continues language from FY 2018, once again requesting the following report:

The Committee understands the importance of bringing broadband to reservations and villages, but remains concerned about how these funds are used and the planning process used for this type of investment. The Committee directs the agency to report back within 90 days of enactment of this act on a scalable plan to increase bandwidth in schools, procure computers, and software. This report should also include how the Bureau is working with other Federal agencies to coordinate and plan for the technology buildout.

CONTRACT SUPPORT COSTS

<table>
<thead>
<tr>
<th>FY</th>
<th>2018 Enacted</th>
<th>Such sums as may be necessary (Estimated: $241,600,000)</th>
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</thead>
<tbody>
<tr>
<td>FY</td>
<td>2019 Admin. Request</td>
<td>Such sums as may be necessary (Estimated: $247,000,000)</td>
</tr>
<tr>
<td>FY</td>
<td>2019 House Such</td>
<td>sums as may be necessary (Estimated: $247,000,000)</td>
</tr>
<tr>
<td>FY</td>
<td>2019 Senate Such</td>
<td>sums as may be necessary (Estimated: $247,000,000)</td>
</tr>
</tbody>
</table>

The House and Senate concurred with the Administration's request that Contract Support Costs (CSC) continue as an indefinite appropriation at "such sums as may be necessary" and that it continue in its own separate account comprised of Contract Support (such sums as may be necessary, estimated to be: $242,000,000) and the Indian Self-Determination Fund ($5,000,000).

The House Report states:

The Committee recommends an indefinite appropriation estimated to be $247,000,000 for contract support costs incurred by the agency as required by law. The bill includes language making available for two years such sums as are necessary to meet the Federal government's full legal obligation, and prohibiting the transfer of funds to any other account for any other purpose.

The Senate Report states:

Contract Support Costs.—The Committee has continued language from fiscal year 2018 establishing an indefinite appropriation for contract support costs estimated to be $247,000,000 which is an increase of $5,400,000 above the fiscal year 2018 level. By retaining an indefinite appropriation for this account, additional funds may be provided by the Bureau if its budget estimate proves to be lower than necessary to meet the legal obligation to pay the full amount due to Tribes. The Committee believes fully funding these costs will ensure that Tribes have the necessary resources they need to deliver program services efficiently and effectively.

General Provisions Continued. At the Administration's request, the House and Senate continue by reference the following general provisions:

Contract Support Costs, Prior Year Limitation

Sec. 406. Amounts provided by this Act for fiscal year 2019 under 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 2019 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayment of payments for settlement or judgments awarding contract support costs for prior years.

CONSTRUCTION

<table>
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<tbody>
<tr>
<td>FY 2019</td>
<td>$354,113,000</td>
<td>$133,288,000*</td>
</tr>
<tr>
<td>FY 2019</td>
<td>House $354,485,000</td>
<td>Senate $359,419,000</td>
</tr>
</tbody>
</table>

*(The Administration is requesting to spend $133,288,000 but "cancel" $21,367,000 in unobligated, prior fiscal year balances for a total of $111,921,000.)*

The Construction budget includes: Education Construction; Public Safety and Justice Construction; Resources Management Construction; and Other Program Construction/General Administration.

Recognizing the substantial unmet need in Indian Country, the House and Senate rejected the Administration's request to cut $220.8 million from the overall Construction budget and rejected the Administration's request for a rescission of $21,367,000 in unobligated balances from prior fiscal years. The House and Senate instead propose near-FY 2018 spending levels with increases provided for fixed costs. In addition, the Senate is proposing a number of targeted increases.

EDUCATION CONSTRUCTION

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<thead>
<tr>
<th>FY</th>
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<th>FY 2019 Admin. Request</th>
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</thead>
<tbody>
<tr>
<td>FY 2019</td>
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<td>FY 2019</td>
<td>House $238,250,000</td>
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</tbody>
</table>

The Education Construction sub-activities are: Replacement School Construction; Replacement Facility Construction; Employee Housing Repair; and Facilities Improvement and Repair.

Despite the substantial demonstrated need for school repair and replacement funding, the Administration once again asked Congress to zero out funding for Replacement School Campus Construction and Replacement School Facility Construction in FY 2019. Instead, the House and Senate continued the robust funding levels they provided in FY 2018, proposing to apportion the funding as follows:
<table>
<thead>
<tr>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement School Campus Construction</td>
<td>$105,504,000</td>
</tr>
<tr>
<td>Replacement Facility Construction</td>
<td>$23,935,000</td>
</tr>
<tr>
<td>Employee Housing Repair</td>
<td>$13,576,000</td>
</tr>
<tr>
<td>Facilities Improvement and Repair</td>
<td>$95,235,000</td>
</tr>
</tbody>
</table>

School Campus Replacement Construction List. The House Report provides the following direction:

The Committee recognizes the School Facilities & Construction Negotiated Rulemaking Committee established under Public Law 107–110 for the equitable distribution of funds. Appropriations in this bill for campus-wide replacement are limited to the 10 schools selected via the rulemaking committee process and published by Indian Affairs on April 5, 2016. Indian Affairs should submit a similar list for facilities with the fiscal year 2020 budget request.

Innovative Financing for Repair and Replacement. The House Report continues to express support for innovative financing options for school campus replacement: The Committee continues to strongly support innovative financing options to supplement annual appropriations and accelerate repair and replacement of Bureau schools, including through the use of construction bonds, tax credits, and grant programs. Indian Affairs is urged to work with any Tribes willing to include such financing in ongoing and future projects.

Facilities Improvement and Repair: Deferred Maintenance and Safety Inspections. The Senate Report provides the following direction and requests the following reports: The Committee expects the increases continued for the facility improvement and repair program shall be used to address deficiencies identified by annual school safety inspections.

The Committee remains concerned about the deferred maintenance projects at schools and directs the Bureau to submit the allocation plan as required by Public Law 115–31. The Committee is encouraged to learn that BIA and BIE continue to work together to ensure annual safety inspections are completed for all BIE school facilities. However, the Committee is concerned that, as recommended by the Government Accountability Office in report GAO–16–313, BIA and BIE have not developed concrete tracking and capacity-building systems to ensure safety issues flagged by these inspections are addressed in a timely manner. Furthermore, the Committee is concerned by reports from tribally operated BIE schools that BIE does not provide timely access to or training about the Facilities Improvement and Repair Program and other available emergency maintenance funding. The Committee directs BIE and BIA to report back within 90 days with a detailed implementation plan to address these remaining concerns.

Long-Term Facilities Plan. The Senate Report continues to request a long-term facilities plan for BIE-system schools modeled after the one produced by the Department of Defense Education Activity:

The Committee understands many schools are in need of repair, improvement, and upgrades in order to bring schools into good condition. The Committee stands ready to work with the administration and Tribes to develop a comprehensive strategy that provides safe, functional, and accessible facilities for schools. The Committee directs the Bureau to report back within 90 days of enactment of this act on the progress the Bureau has made towards implementing a long-term...
facilities plan similar to the Department of Defense process in 2009 as encouraged in the joint explanatory statement accompanied by Public Law 114–113.

PUBLIC SAFETY & JUSTICE (PS&J) CONSTRUCTION

<table>
<thead>
<tr>
<th></th>
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<tr>
<td>FY</td>
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<tr>
<td>FY 2019 Senate</td>
<td>$35,310,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Public Safety & Justice Construction sub-activities are: Facilities Replacement/New Construction; Employee Housing; Facilities Improvement and Repair; Fire Safety Coordination; and Fire Protection.

The House and Senate continued the robust funding levels from FY 2018 proposing to apportion the funding as follows:

- Facilities Replacement and New Construction $18,000,000
- Employee Housing $ 4,494,000
- Facilities Improvement and Repair $ 9,372,000
- Fire Safety Coordination $ 170,000
- Fire Protection $ 3,274,000

Master Plan Development. The House Report continues language from FY 2018 calling for the following master plan to be maintained:

The Bureau is directed to maintain a master plan detailing the location, condition, and function of existing owned and leased facilities relative to location and size of the user populations. The plan shall be used to prioritize facilities replacement and new construction to fill in the largest service gaps first. Regional justice centers that combine functions and serve multiple user populations, while providing for reasonable driving distances for visitation and transport, should be strongly considered.

RESOURCES MANAGEMENT CONSTRUCTION

<table>
<thead>
<tr>
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<th>2018</th>
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<tbody>
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</tr>
<tr>
<td>FY 2019 Senate</td>
<td>$72,231,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Resources Management Construction sub-activities are: Irrigation Project Construction; Engineering and Supervision; Survey and Design; Federal Power and Compliance; and Dam Projects.

The House and Senate rejected the Administration's proposed cuts and instead propose near level funding following the substantial increases that were provided in FY 2018. The Senate also includes an additional $5 million for Irrigation Projects and proposes the following funding breakdown, including for projects authorized by the Water Infrastructure Improvements for the Nation Act (WIIN Act), Public Law 114-322. The Senate Report states:
Resources management receives a total of $72,231,000 and includes: $29,695,000 for irrigation projects, with at least $10,000,000 for projects authorized by the WIIN Act, $38,265,000 for dam projects and $1,016,000 for survey and design, $2,605,000 for engineering and supervision, and $650,000 for Federal power compliance. The Committee expects the funds designated for WIIN Act activities will be deposited into the Indian Irrigation Fund and fund those projects authorized by Public Law 114–322.

Dam Safety Classification. The Senate Report provides the following direction: The Committee continues the increases for dam safety and is concerned there is an unknown number of dams on reservations that have not received a hazard classification and that the current review process is behind schedule resulting in delays for dams to receive a comprehensive review. The Committee strongly encourages the Bureau to begin the work on the dams and report back to the Committee on the best way to effectively quantify the potential pool of dams on reservations in need of a review and/or classification.

OTHER PROGRAM CONSTRUCTION/ GENERAL ADMINISTRATION

<table>
<thead>
<tr>
<th>FY</th>
<th>2018</th>
<th>Enacted</th>
<th>$13,367,000</th>
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</thead>
<tbody>
<tr>
<td>FY 2019</td>
<td>Admin. Request</td>
<td>$11,990,000</td>
<td></td>
</tr>
<tr>
<td>FY 2019</td>
<td>House</td>
<td>$13,694,000</td>
<td></td>
</tr>
<tr>
<td>FY 2019 Senate</td>
<td>$13,628,000</td>
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</tbody>
</table>

The Other Program Construction sub-activities are: Telecommunications Improvement and Repair; Facilities/Quarters Improvement and Repair; and Construction Program Management.

The House Report provides the following direction:

Other Program Construction.—The recommendation includes $13,694,000 for other construction. The Fort Peck Water System is funded at $2,247,000 as requested. There is a $300,000 program increase to improve officer safety by eliminating radio communications dead zones.

The Senate Report provides the following direction:

General administration or other Program Construction receives $13,628,000 and includes $1,119,000 for telecommunications repair, and $8,590,000 for construction program management with increases in order to fully fund the Ft. Peck water system, and $3,919,000 for facilities improvement and repair.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

<table>
<thead>
<tr>
<th>FY</th>
<th>2018</th>
<th>Enacted</th>
<th>$55,457,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2019</td>
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<td>$45,644,000</td>
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</tr>
<tr>
<td>FY 2019</td>
<td>House</td>
<td>$50,057,000</td>
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</tr>
<tr>
<td>FY 2019 Senate</td>
<td>$55,457,000</td>
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</table>

(For funding levels by individual settlements, see attached budget charts from p. 180-181 of the House Report and p. 132-133 of the Senate Report).
The Administration, when drafting their FY 2019 request, indicated that it would ultimately be based on final FY 2018 appropriations. However, at that time, the federal government was operating under a Continuing Resolution (CR) so the Administration estimated an annualized rate of $44,739,000 for this account. Ultimately, the FY 2018 Omnibus provided a higher funding total as well as settlement-level specificity. The House and Senate Reports provide the following explanation and the attached charts provide recommended amounts by settlement.

The House Report recommends:

The Committee recommends $50,057,000 for Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians. The recommended level enables Indian Affairs to make a balloon payment in the final year of any settlement agreement if needed to complete the Federal obligation. The Navajo Water Resources Development Trust Fund project and the Navajo-Gallup Water Supply Project will be completed in fiscal year 2019. A detailed table of funding recommendations below the account level is provided at the end of this report.

The Senate Report recommends:

The bill provides a total appropriation of $55,457,000 for the Indian Land and Water Claim Settlements account which is equal to the enacted level. The Committee appreciates the importance of settling the numerous land and water settlements and directs the Department to submit a spending plan to the Committee within 90 days of enactment of this act for how it plans to allocate the funds provided by the bill for the specific settlements detailed in the budget request. The Committee recommendation notes that sufficient funding has been provided to complete required payments for the Navajo Trust Fund and the Navajo Gallup Water Supply Project in fiscal year 2019.

**INDIAN GUARANTEED LOAN PROGRAM**

<table>
<thead>
<tr>
<th></th>
<th>FY 2018 Enacted $</th>
<th>FY 2019 Admin. Request $</th>
<th>FY 2019 Senate $</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>9,272,000</td>
<td>6,699,000</td>
<td>9,279,000</td>
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<tr>
<td>2019</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>House</td>
<td></td>
<td>$19,279,000</td>
<td></td>
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</tbody>
</table>

This program guarantees or insures loans covering up to 90 percent of outstanding loan principal to Indian tribes, tribal members, or for profit and not-for-profit businesses at least 51% Indian owned. The House and Senate rejected the Administration's requested cut to loan subsidies. The Senate proposes an increase just to cover fixed costs. The House proposes a $10 million increase, described as follows in Report language: The increase includes fixed costs and the transfer of $10,000,000 from the Tribal grant program in the Office of Surface Mining Reclamation and Enforcement. The transfer to this account will significantly increase the number of eligible Tribes and generate an additional $200,000,000 in private sector loans to finance business, economic, energy and infrastructure projects in Indian Country. The Indian Guaranteed Loan Program is the most effective Federal program tailored to facilitating greater access to private capital for Indian Tribes and Indian-owned economic enterprises.

**OTHER RELATED AGENCIES**
OFFICE OF NAVAJO-HOPI INDIAN RELOCATION

<table>
<thead>
<tr>
<th>FY</th>
<th>2018</th>
<th>Enacted</th>
<th>$15,431,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY</td>
<td>2019</td>
<td>Admin. Request</td>
<td>$</td>
</tr>
<tr>
<td>FY</td>
<td>2019</td>
<td>House</td>
<td>$</td>
</tr>
<tr>
<td>FY 2019 Senate</td>
<td>$</td>
<td>7,400,000</td>
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</table>

The Office of Navajo and Hopi Indian Relocation (ONHIR) was created as a result of the Navajo Hopi Settlement Act of 1974, Public Law 93–531. The Office is charged with planning and conducting relocation activities associated with the settlement of land disputes between the Navajo Nation and Hopi Tribe.

For FY 2019, the Administration requested a funding cut for the Office "... to facilitate and expedite resettlement activities, and bring about the closure of the Office." Part of this request would have involved transferring $3 million to the Office of Special Trustee (OST) with OST then assuming responsibility for development of a detailed transition plan for a phased closure of ONHIR as well as the transfer the land management activities currently conducted by ONHIR to a new office within OST.

Originally, the House bill concurred with the Administration's request to transfer the $3 million to OST; however, Rep. O'Hallen (D-AZ) successfully secured a floor amendment returning the $3 million to ONHIR. The House and Senate now recommend similar amounts.

The Senate Report explains:

The Committee supports efforts to close the Office because its primary relocation function has reached its conclusion.

The Committee recommends $7,400,000 for the ONHIR. The Committee does not approve the budget request to fund relocation activities through the Office of Special Trustee [OST] under this heading without a more complete explanation on plans to transfer outstanding services, records, and rangeland improvement activities to other Federal Government agencies. The Committee continues to be concerned about the lack of meaningful Tribal consultation on matters related to the closure and transition and directs the ONHIR to work with the OST and Bureau of Indian Affairs to immediately facilitate Tribal consultation with affected Tribes. The Committee urges the ONHIR to work with the appropriate congressional authorizing committee to develop legislation as necessary to affect its closure upon consultation.

We note, however, that the Navajo Nation sharply disagrees with the assertion that the Office's primary relocation function has reached its conclusion, pointing to Navajo members still in the appeals process and a lack of infrastructure development.

NATIONAL PARK SERVICE

TRIBAL HISTORIC PRESERVATION

<table>
<thead>
<tr>
<th>FY</th>
<th>2018</th>
<th>Enacted</th>
<th>$11,485,000</th>
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</thead>
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<tr>
<td>FY</td>
<td>2019</td>
<td>Admin. Request</td>
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</table>
The House and Senate rejected the Administration's request to cut Grants-in-Aid to Tribes. The Administration had suggested that this would "allow the NPS to focus resources on park and program operations."

NATIONAL RECREATION AND PRESERVATION

National Recreation and Preservation is found under a different part of the National Park Service budget than Historic Preservation. The House and Senate rejected the Administration proposed cuts, including the proposal to zero out National Native American Graves Protection and Repatriation Act (NAGPRA) grants which assist Indian tribes and Native Hawaiian organizations (NHOs) in documenting and repatriating cultural items and assists museums and federal agencies in fulfilling their responsibilities to consult with tribes and NHOs for the purposes of NAGPRA compliance. Under National Recreation and Preservation the House proposes level funding but the Senate proposes another increase for the Cultural Programs sub-activity to increase support for programs for Native Hawaiian or Alaska Native culture and arts development. The Senate Report states:

Cultural Programs.—The Committee recommends $25,562,000 for cultural programs, an increase of $500,000 above the enacted level. The increase above the enacted level is provided pursuant to 20 U.S.C. 4451(b) for grants to nonprofit organizations or institutions for the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development at a total program level of $1,000,000 as provided in the explanatory statement accompanying the Consolidated Appropriations Act, 2018. This program is a good example of a multi-state, multi-organizational collaboration as envisioned under the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act. (The FY 2018 Explanatory Statement had "... direct[ed] the Department to consider funding the Northwest Coast arts program as outlined by the memorandum of agreement between the Institute of American Indian Arts and the Sealaska Heritage Institute.")

DEPARTMENTAL OFFICES: OFFICE OF THE SECRETARY [INTERIOR] DEPARTMENTAL OPERATIONS

Department of Interior Reorganization. The House and Senate Reports emphasize the importance of tribal consultation and provide the following direction to Secretary of Interior regarding efforts to reorganize the Department. We also note that the both the House-passed and the Senate-passed versions of HR 6147 contain bill language found under TITLE VI—GENERAL PROVISIONS—THIS ACT, Sec. 608 which would restrict the Executive Branch from obligating or expending any funds to reorganize "any agency or entity" funded by the bill until specific reports have been received and formal reprogramming requests have been approved by both the House and Senate Appropriations Committees. The bill language would give each agency 60 days from the date of enactment to submit the requested report. The bill language would also reduce the amount appropriated for salaries and expenses by $100,000 per day from any agency that is late providing the report until the report is received.

The House Report states:
State and Tribal Consultation.—The Committee recognizes concerns raised by State and Tribal leaders about the Department's insufficient level of consultation regarding the Department's proposed reorganization. The Committee urges the Department to redouble its efforts to consult with State and Tribal leaders, including entering into formal Tribal consultation, and to adjust its reorganization proposal as necessary to meet the Department's needs while avoiding undue additional burdens on States and Tribes.

The Senate Report states:

Reorganization.—The Committee has provided funds as requested for the Department's reorganization plan. However, many of the details of this proposal remain unknown. This is in large part because the Department is seeking the input of many stakeholders and has yet to incorporate these recommendations into its final reorganization plan. Given the current lack of specifics relating to the reorganization proposal, the Committee directs the Department to not obligate these funds until the Secretary has submitted a reprogramming in accordance with the procedures outlined in this report that provides greater detail on the reorganization, its impacts on staff, funding, and service delivery, and how these funds will be expended. The Committee has heard from tribal organizations about the need for more robust consultation related to this proposal as well, and therefore expects the Department to meet with these groups and formulate a process for tribal consultation that meets the needs of all stakeholders. The Committee further expects the Department to continue to meet with the committees of jurisdiction, to inform them ahead of forthcoming actions and to respond to their requests for the quantitative analyses and materials associated with this proposal.

National Monument Designations. The House Report provides the following direction: The Department is directed to work collaboratively with interested parties, including but not limited to, the Congress, States, local communities, Tribal governments and others prior to planning, implementing, or making national monument designations.

Chief Standing Bear Trail. The House Report states: The Committee recognizes the importance of Chief Standing Bear as one of America's earliest civil rights leaders. The Committee supports the work on the State and local level to establish a multi-state trail commemorating his accomplishments and urges the Secretary to assist in these efforts.

Alyce Spotted Bear and Walter Soboleff Commission on Native Children. The Senate's bill was amended on the Senate Floor by Senators Moran (R-KS), Murkowski (R-AK) and Heitkamp (D-ND) to specify that the amounts provided under of the Office of the Secretary – Departmental Operations, $400,000 is to be made available to the Alyce Spotted Bear and Walter Soboleff Commission on Native Children that was established by Public Law 114–244.”

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House and Senate Appropriations Committees Recommendations for FY 2019 Indian Health Service Budget
“In this Memorandum we report on the House and Senate Appropriations Committees' recommendations for the FY 2019 Indian Health Service (IHS) budget. The House bill and accompanying report are HR 6147, H. Rept. 115-765, while the Senate bill and report are S 3073 and S. Rept. 115-276. Differences between the two proposals will be worked out in conference committee.

We reported on the Administration's proposed FY 2019 IHS budget in our General Memorandum 18-015 of April 18, 2018.

IHS OVERALL FUNDING

<table>
<thead>
<tr>
<th>Year</th>
<th>Enacted</th>
<th>Admin. Request</th>
<th>House Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2018</td>
<td>$5,537,764,000</td>
<td>$5,907,614,000</td>
<td>$5,772,116,000</td>
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<tr>
<td>FY 2019</td>
<td>$5,424,023,000</td>
<td>$5,907,614,000</td>
<td>$5,772,116,000</td>
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Differences Attributed to SDPI and Staffing Considerations. In looking at the Administration's proposed FY 2019 IHS budget keep in mind that it included $150 million in proposed discretionary IHS funding for the Special Diabetes Program for Indians. The Committees opposed the Administration's position and maintained current law which funds SDPI on a mandatory basis whose funds are not part of the IHS appropriations bill. Tribes and tribal organizations also opposed changing SDPI's funding from a mandatory to a discretionary basis.

The Administration's proposed budget also included $159 million for staffing of new facilities but the estimate provided to the Committees has since been revised to $115 million (see below).

Staffing Packages for Newly Constructed Facilities. Both Committees recommend funding to meet the current estimated needed for staffing packages for newly constructed facilities - $115,233,000 in the Services and Facilities accounts combined ($103.9 million in Services; $11.3 million in Facilities). Funding is for facilities funded through the Construction Priority System or the Joint Venture Program that have opened in FY 2018 or will open in FY 2019 and which have achieved beneficial occupancy status. When the Administration proposed its FY 2019 budget the estimate for staffing of new facilities was $159 million.

Rejection of Proposed Deletions and Reductions of Programs. The Committees rejected the Administration's proposed deletion of all funding for the Community Health Representatives, Health Education, and the Tribal Management programs. They also rejected the large budget cuts proposed by the Administration, maintaining FY 2018 enacted increases.

Current Services (fixed costs increases). The Administration requested $46.7 million for pay raises and $47.9 million for medical inflation. The House Committee's bill includes $46.7 million for "fixed-cost increases" – the same amount as requested for pay raises - spread throughout the accounts ($42.8 million Services; $3.9 million Facilities); the Senate Committee's bill does not contain funding for this purpose.

Indian Health Care Improvement Fund. The House Committee's bill would provide $125.6 million for the Fund, while the Senate Committee's bill does not include funding for this purpose.
CONTRACT SUPPORT COSTS

FY 2018 Enacted Such sums as may be necessary
FY 2019 Admin. Request Such sums as may be necessary
FY 2019 House Committee Such sums as may be necessary
FY 2019 Senate Committee Such sums as may be necessary

Both bills, as requested, maintain Contract Support Costs (CSC) as a separate appropriation account with an indefinite amount—"such sums as may be necessary." The FY 2019 estimate is $822,227,000.

Both bills reject the Administration's proposal to reinstate two provisions from the FY 2016 Appropriations Act for IHS which are contrary to the Indian Self-Determination and Education Assistance Act (ISDEAA) with regard to CSC. The first is the "carryover" clause that could be read to deny the CSC carryover authority granted by the ISDEAA; the other is the "notwithstanding" clause used by IHS to deny contract support cost for their grant programs – Domestic Violence Prevention; Substance Abuse and Suicide Prevention; Zero Suicide Initiative; after-care pilot projects at Youth Regional Treatment Centers; funding for the improvement of third party collections; accreditation emergencies; and the housing subsidy authority for civilian employees. The Senate bill, in addition, includes opioid prevention and treatment recovery on the list.

Congress has not gone along with those two Administration proposals in the past. The FY 2018 House Report encourages IHS to provide CSC for its grant programs.

Continuation of Sections 405 and 406 of General Provisions. Both bills would continue by reference, as requested, sections 405 and 406 of the FY 2015 Appropriations Act. These provisions prohibit BIA and IHS from using FY 2019 CSC funds to pay past-year CSC claims or to repay the Judgment Fund for judgments or settlements related to past-year CSC claims. They do not preclude tribes from recovering such judgments or settlements from the Judgment Fund. The following is from Division G, Title IV of the Act:

Contract Support Costs, Prior Year Limitation

Sec. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2019.

Contract Support Costs, Fiscal Year 2019 Limitation

Sec. 406. Amounts provided by this Act for fiscal year 2019 under 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 2019 with the Bureau of Indian Affairs or the Indian Health Service: Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayment of payments for settlement or judgments awarding contract support costs for prior years.
FUNDING FOR INDIAN HEALTH SERVICES

<table>
<thead>
<tr>
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<tr>
<td>Admin.</td>
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<tr>
<td>House</td>
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<td>$2,170,257,000</td>
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<td>2019 Senate Committee</td>
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HOSPITALS AND CLINICS

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<td>2018</td>
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<td>2019</td>
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<tr>
<td>House</td>
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<td>2019 Senate Committee</td>
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<td>$2,198,623,000</td>
<td>$2,198,623,000</td>
<td>$4,072,385,000</td>
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Tribal Clinic Leases. The House bill would provide $18 million while the Senate bill would provide $15 million in supplemental funding for tribal clinic leases – the FY 2018 enacted level was $11 million. The Senate Committee comments on the issue of funding the leases under section 105(l) of the ISDEAA (the litigation referred to below is the Maniilaq Association v. Burwell, 170F. Supp. 3d 243 (D.D.C. 2016):

Village Built Clinics.—The Committee has provided additional resources for village built clinics [VBCs] leasing costs. The Service testified before the Committee that these resources are now being used not only to pay for the traditional VBCs but also for new costs relating to litigation which requires that section 105(l) of the Indian Self-Determination Act mandates payment of leasing costs when Tribal facilities are used to operate IHS programs. The agency indicated that these costs may grow exponentially over time. While the Committee has not included proposed language in the budget request to overturn this decision it is concerned with the budgetary impacts of this case moving forward. Within 90 days of enactment of this act, the Service shall submit a report which indicates the current number of Tribes pursuing 105(l) leasing arrangements, where these Tribes are located by State, the associated costs, and proposals for addressing this issue in the budget beyond simply overturning a court decision. The Committee believes these costs should be included separately in the budget request from those funds needed for village built clinics. (S. Rept. p. 94)

Accreditation Emergencies. Both bills would provide $58 million for hospital accreditation emergencies, the same as the FY 2018 enacted level.

The House Report states:

Accreditation Emergencies.—The recommendation includes $58,000,000 as requested to assist IHS-operated facilities that have been terminated or received notice of termination from the Centers for Medicare & Medicaid Services (CMS) Medicare program. Funding shall be allocated to such facilities in amounts to: restore compliance; supplement purchased/referred care, including transportation, in the event of temporary closure of such facility or one or more of its departments; and compensate for third-party collection shortfalls resulting from being out of compliance. Primary consideration should be given to facilities that have been without certification the longest. Shortfalls shall be calculated relative to the average of the collections in each of the two fiscal years preceding the notice of termination. Funds allocated to a facility to address compliance issues shall be made available to Tribes newly assuming operation of such
facilities pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (P.L. 93-638). (H. Rept. pp 79-80)

The Senate Report expresses concern about the deficiencies identified by the Centers for Medicare and Medicaid Services at the Gallup Indian Medical Center and instructs IHS to take needed steps to come into compliance so that the facility does not lose its access to third party reimbursements and to address other deficiency issues.

New Tribes Funding. Both bills would provide $1.9 million, as requested, for the following newly-recognized or reinstated tribes: the Pamunkey Tribe of Virginia, the United Keetoowah Band of Cherokee Indians (Oklahoma) and the Paskenta Band of Nomlaki Indians (California) with the caveat in both Committee reports that they have recently been made aware of the litigation between United Keetoowah Band and the Cherokee Nation. The Committees are taking a neutral stand on the litigation and report that they will "consult with all parties involved before taking final congressional action."

Quality of Care. The Senate Committee states with regard to measurement of patient health: The Committee finds that structural reforms are needed at the Indian Health Service, and directs IHS to work with the Committee to improve access to care and quality of services. The Committee also directs Indian Health Service to establish measurements for tracking the improvement of patient health, rather than defining increased funding alone as a metric for measuring improvements. (S. Rept. p. 93)

First Aid Kit Enhancements. The Senate Committee states with regard to first aid kit enhancements:

The Committee is aware that first aid products endorsed by the Department of Defense’s Committee on Tactical Combat Casualty Care [CoTCCC] help to reduce death or trauma as a result of bleeding. The Committee believe these products could help the agency save lives, especially in rural areas it might take significant time to transport a patient to a hospital and/or healthcare facility for appropriate treatment. Accordingly, the Committee encourages the Agency to analyze incorporating CoTCCC's hemostatic dressing of choice in healthcare facilities and vehicles and provide a report to the Committee within 90 days of enactment. (S. Rept. p. 93)

<table>
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<tr>
<th>DENTAL SERVICES</th>
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<tbody>
<tr>
<td>FY 2018 Enacted</td>
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<tr>
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<tr>
<td>FY 2019 House Committee</td>
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<tr>
<td>FY 2019 Senate Committee</td>
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</table>

Current Services/Staffing. The House Committee's increase is for fixed costs, staffing of new facilities and an $800,000 transfer from the Direct Operations account to backfill vacant dental health position in Headquarters. The Senate Committee's increase is for staffing of new facilities.

<table>
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<tr>
<th>MENTAL HEALTH</th>
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<tbody>
<tr>
<td>FY 2018 Enacted</td>
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<td>FY 2019 Admin. Request</td>
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</table>
Current Services/Staffing. The House Committee increase is for staffing of new facilities and fixed costs; the Senate Committee increase is for staffing of new facilities.

ALCOHOL AND SUBSTANCE ABUSE

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<tr>
<th></th>
<th>FY 2018</th>
<th>FY 2019</th>
<th>FY 2019 Senate Committee</th>
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<td></td>
<td>Admin.</td>
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<tr>
<td>FY 2019 Senate Committee</td>
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</table>

Current Services/Staffing. The House Committee's increase is for the staffing of new facilities and built-in costs. The Senate Committee's increase is for the staffing of new facilities and new funding of $10 million for opioid grants. Both Committee bills retain increases of FY 2018 of $6,500,000 for the Generation Indigenous initiative; $1,800,000 for the youth pilot project; and $2,000,000 to fund essential detoxification related services.

Opioid Grants. The Senate Committee's bill includes $10 million for new opioid grants for a Special Behavioral Health Pilot Program aimed the opioid epidemic. The Senate Committee states:

Opioid Grants. —To better combat the opioid epidemic, the Committee has included an increase of $10,000,000 and instructs the Service, in coordination with the Assistant Secretary for Mental Health and Substance Abuse, to use the additional funds provided above the fiscal year 2018 level to create a Special Behavioral Health Pilot Program modeled after the Special Diabetes Program for Indians. This Special Behavioral Health Pilot Program for Indians should support the development, documentation, and sharing of more locally-designed and culturally appropriate prevention and treatment interventions for mental health and substance use disorders in Tribal and urban Indian communities. The Director of the Indian Health Service, in coordination with the Assistant Secretary for Mental Health and Substance Abuse, shall awards grants for providing services, provide technical assistance to grantees under this section collect, and evaluate performance of the program. (S. Rept. 92).

Development of Clinic Capacity Model. The Senate Committee provides the following continuing directions:

The Service shall continue its partnership with Na'Nizhoozhi Center in Gallup, N.M., and work with the Center and other Federal, State, local and Tribal partners to develop a sustainable model for clinical capacity, as provided by the statement to accompany Public Law 115–31.

Care and Treatment. The Senate Committee states:

The Committee is concerned that alcohol and opioid use disorders continue to be some of the most severe public health and safety problems facing American Indian and Alaska Native [AI/AN] individuals, families, and communities. To address this problem, the Committee directs IHS to increase its support for culturally competent preventive, educational, and treatment services programs and partner with academic institutions with established AI/AN training and
health professions programs to research and promote culturally responsive Care. Additionally, the Committee encourages the IHS to employ the full spectrum of medication assisted treatments for alcohol and opioid use disorders, including non-narcotic treatment options that are less subject to diversion combined with counseling services. (S. Rept. p. 92).

Prescription Drug Monitoring. The Senate Committee states:

The Committee is concerned that IHS and tribally operated health facilities are not participating in State Prescription Drug Monitoring Programs and emergency department information exchanges. The Committee strongly encourages these facilities to participate in these programs. Accordingly, within 90 days of enactment of this act, the Service shall provide the Committee with a report outlining by State such facilities that are participating and those that are not, and any issues preventing facilities from uploading data to these programs or exchanges. (S. Rept. p. 93).

PURCHASED/REFERRED CARE

<table>
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<tr>
<th></th>
<th>FY 2018</th>
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<th>FY 2019 House Committee</th>
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<td>$954,957,000</td>
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<tr>
<td>Senate</td>
<td>$964,819,000</td>
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CHEF. Included in the total in both bills is $53 million for the Catastrophic Health Emergency Fund, the same as the FY 2018 enacted level.

INDIAN HEALTH CARE IMPROVEMENT FUND

The House Committee's bill would provide $125,666,000 for the Indian Health Care Improvement Fund, which compares to a FY 2018 appropriation of $72,280,000. The Senate Committee's bill does not include funding for this purpose. The House Report language notes the funds are provided "in order to reduce disparities across the IHS system." The House bill language provides that the Fund "may be used, as needed, to carry out activities typically funded under the Indian Health Facilities Account."

PUBLIC HEALTH NURSING

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<thead>
<tr>
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Current Services/Staffing. The House and Senate Committees include staffing of new facilities costs and the House also includes built-in costs.

HEALTH EDUCATION

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<tr>
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<th>FY 2018</th>
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<tr>
<td>Senate</td>
<td>$20,568,000</td>
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The increase is for staffing of new facilities costs.

<table>
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<tr>
<th>COMMUNITY HEALTH REPRESENTATIVES</th>
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<tr>
<td>FY 2018 Enacted $62,888,000</td>
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<tr>
<td>FY 2019 Admin. Request 0-</td>
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<tr>
<td>FY 2019 House Committee $62,888,000</td>
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<tr>
<td>FY 2019 Senate Committee $62,888,000</td>
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HEPATITIS B and HAEMOPHILUS IMMUNIZATION (Hib) PROGRAMS IN ALASKA

|FY 2018 Enacted $2,127,000 |
|FY 2019 Admin. Request $2,035,000 |
|FY 2019 House Committee $2,164,000 |
|FY 2019 Senate Committee $2,127,000 |

URBAN INDIAN HEALTH

|FY 2018 Enacted $49,315,000 |
|FY 2019 Admin. Request $46,422,000 |
|FY 2019 House Committee $60,000,000 |
|FY 2019 Senate Committee $49,315,000 |

The House Committee states that "the Service is expected to include current services estimates for urban Indian health in annual budget requests."

<table>
<thead>
<tr>
<th>INDIAN HEALTH PROFESSIONS</th>
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<tbody>
<tr>
<td>FY 2018 Enacted $49,363,000</td>
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<tr>
<td>FY 2019 Admin. Request $43,394,000</td>
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<tr>
<td>FY 2019 House Committee $70,765,000</td>
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<tr>
<td>FY 2019 Senate Committee $49,558,000</td>
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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.

Loan Repayment Program. The House Committee's bill would provide $55.7 million and the Senate Committee's bill would provide $36 million (same as FY 2018 enacted) for the loan repayment program. The House bill would also provide an additional $1,650,000 for scholarships. The Senate increase would provide $195,000 to expand the Indians into Medicine Program to four sites.

TRIBAL MANAGEMENT

|FY 2018 Enacted $2,465,000 |
|FY 2019 Admin. Request 0- |
|FY 2019 House Committee $2,465,000 |
|FY 2019 Senate Committee $2,465,000 |
The Tribal Management grant program, authorized in 1975 under the authority of the Indian Self-Determination and Education Assistance Act, provides competitive grant funding for new and continuation grants for the purpose of evaluating the feasibility of contracting IHS programs, developing tribal management capabilities, and evaluating health services.

DIRECT OPERATIONS
FY 2018 Enacted $72,338,000
FY 2019 Admin. Request $73,431,000
FY 2019 House Committee $73,431,000
FY 2019 Senate Committee $73,338,000

IHS estimates 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.

The House Committee increase is for built-in costs and in addition, $800,000 would be transferred to Dental Services to backfill dental vacancies in Headquarters.

SELF-GOVERNANCE
FY 2018 Enacted $5,806,000
FY 2019 Admin. Request $4,787,000
FY 2019 House Committee $5,858,000
FY 2019 Senate Committee $5,806,000

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 notes in its FY 2019 budget justification that in FY 2017, approximately $2 billion was transferred to tribes to support 94 ISDEAA Title V compacts and 120 funding agreements.

OTHER

Indian Health Care Improvement Act/Level of Need Funded. The House Committee again addresses the issue of underfunding of the Indian Health Care Improvement Act: It has been over eight years since the permanent reauthorization of the Indian HealthCare Improvement Act (HCIA), yet many of the provisions in the law remain unfunded. Tribes have specifically requested that priority areas for funding focus on diabetes treatment and prevention, behavioral health, and health professions. The Committee is aware of the work being done by the IHS in consultation with Tribes to re-evaluate the existing formula for calculating the level of need funded. The Service is expected to combine this calculation with other existing resource deficiency metrics to estimate a total amount necessary for fully funding existing health services, and report to the Committee no later than 180 days after enactment of this Act. (H. Rept. p. 80).
Maternal and Child Health Coordinator. The House Committee requests a report on the plan to hire a permanent Maternal and Child Health Coordinator:

The Committee is aware the Indian Health Service Chief Medical Officer (CMO) has established the hiring of a national maternal/child health coordinator as a top priority for the Office of Clinical and Preventive Services. In addition, the CMO has also appointed a Chief Clinical Consultant for Obstetrics and Gynecology for issues related to maternal health. Within 90 days of enactment of this Act, the Indian Health Service shall report on its progress to hire a permanent Maternal and Child Health Coordinator at Headquarters with experience working as a health care provider on maternal and child health issues. (H. Rept. p. 80).

FUNDING FOR INDIAN HEALTH FACILITIES

| FY | 2018 | Enacted | $867,504,000 |
| FY | 2019 | Request | $505,820,000 |
| FY | 2019 | House Committee | $882,748,000 |
| FY 2009 Senate Committee | $877,504,000 |

MAINTENANCE AND IMPROVEMENT

| FY | 2018 | Enacted | $167,527,000 |
| FY | 2019 | Request | $75,745,000 |
| FY 2019 Senate Committee | $167,527,000 |

As of October 1, 2016, the Backlog of Essential Maintenance, Alteration, and Repair is $515.4 million. Maintenance and Improvement (M&I) funds are provided to Area Offices for distribution to projects in their regions.

FACILITIES AND ENVIRONMENTAL HEALTH SUPPORT

| FY | 2018 | Enacted | $240,758,000 |
| FY | 2019 | Request | $228,852,000 |
| FY 2019 Senate Committee | $250,758,000 |

MEDICAL EQUIPMENT

| FY | 2018 | Enacted | $23,706,000 |
| FY | 2019 | Request | $19,952,000 |
| FY 2019 Senate Committee | $23,706,000 |

Both Committees' bills would provide for $500,000 for the TRANSAM program and up to $2.7 million for the purchase of ambulances.

CONSTRUCTION

Construction of Sanitation Facilities
FY 2018 Enacted $192,033,000
FY 2019 Admin. Request $101,772,000
FY 2019 House Committee $192,033,000
FY 2019 Senate Committee $192,033,000

The sanitation facilities construction program provides funding for sanitation projects to serve new or like-new housing, existing homes, emergency projects, and studies and training related to sanitation facilities construction projects. The funds cannot be used to provide sanitation facilities for Department of Housing and Urban Development-built homes.

Construction of Health Care Facilities

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<tr>
<th>FY</th>
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<th>FY 2019 House Committee</th>
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Both Committees' bills would provide $15 million for the Small Ambulatory Program, the same as the FY 2018 enacted level. The Senate Report also notes $6.5 million is for new and replacement quarters and $5 million "for healthcare facilities construction for the Service to enter into contracts with tribes or tribal organizations to carry out demonstration projects as authorized under the Indian Health Care Improvement Act."

CONTINUING BILL LANGUAGE

The Committees would continue language from previously enacted bills, including the following:

Housing Allowances. Both bills provide that the IHS may provide to civilian medical personnel serving in IHS-operated hospitals housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the Public Health Service serving in similar positions at such hospitals.

IDEA Data Collection Language. Continue 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. Continue the prohibition on the implementation of the eligibility regulations, published September 16, 1987.

Services for Non-Indians. Continue 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 HHS. Continue the provision 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. Continue 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));
3. Such contract was awarded prior to the date of enactment of this Act.

Use of Defaulted Funds. Continue the provision that allows funds collected on defaults from the Loan Repayment and Health Professions Scholarship programs to be used to make new awards under the Loan Repayment and Scholarship programs.”

In the Courts

The U.S. Supreme Court

“The Culverts Case: Split Supreme Court Affirms Ninth Circuit,” Hobbs-Straus, June 22nd, 2018, http://hobbsstraus.com/general-memorandum-18-024, reported, “On June 11, 2018, the U.S. Supreme Court issued a one-sentence per curiam opinion in United States v. Washington, regarding the phase of the treaty fishing rights case commonly known as the ‘Culverts’ case. The opinion states that the judgment of the Court of Appeals for the Ninth Circuit ‘is affirmed by an equally divided Court.’ In the ruling below, the Ninth Circuit Court of Appeals affirmed the 2007 decision of the federal district court holding that the State of Washington, in building and maintaining culverts under state roads, had diminished the salmon populations and thereby violated its obligations under treaties with Indian tribes. The Ninth Circuit also affirmed the district court’s 2013 issuance of an injunction ordering the State to take corrective action.

The Culverts case is part of the ongoing litigation involving tribal fishing rights under a series of treaties entered into in 1854 and 1855, often referred to as the ‘Stevens Treaties,’ negotiated for the United States by the Superintendent of Indian Affairs, Isaac Stevens. Each of
the treaties has nearly identical ‘fishing clauses’ that guarantee ‘the right of taking fish, at all usual and accustomed grounds and stations ... in common with all citizens of the Territory.’

Litigation over treaty fishing rights in the Pacific Northwest has been ongoing for more than 100 years, and the original complaint in U.S. v. Washington was filed by the United States as trustee for the treaty tribes in 1970. In a ruling issued in 1974, often referred to as the ‘Boldt decision,’ District Judge George H. Boldt divided the case into two phases. United States v. State of Washington, 384 F. Supp. 312 (W.D. Wash. 1974). In Phase I, the court addressed the issue of the amount of annually harvestable fish the tribes have rights to catch by virtue of the treaties, and ruled that the tribes have a right to take up to fifty percent of the harvestable fish within certain areas. Id. at 343. This ruling was eventually affirmed by the Supreme Court in Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n, 443 U.S. 658 (1979).

In Phase II, the district court addressed two issues that had not been resolved in Phase I: (1) whether the fishing clauses in the treaties apply to hatchery fish; and (2) whether the fishing clauses impose a duty on the State of Washington to prevent environmental degradation. U.S. v. Washington, 506 F. Supp. 187 (W.D. Wash. 1980). The district court ruled in the tribes' favor on both issues, but the Ninth Circuit vacated the holding on the environmental issue, saying that legal standards to govern the State's obligations and duties under the treaties with respect to the environment of the treaty areas "will depend for their definition and articulation upon concrete facts which underlie a dispute in a particular case." U. S. v. Washington, 759 F.2d 1353, 1357 (9th Cir. 1985) (en banc).

In 2001, twenty-one tribes invoked the district court's continuing jurisdiction to resolve such 'a dispute in a particular case.' The tribes contended that the State, in building and maintaining culverts under state roads, had violated, and was continuing to violate, the tribes' treaties because the culverts prevented mature salmon from returning from the sea to their spawning grounds, prevented juvenile salmon from moving downstream and out to sea, and interfered with the movement of very young salmon seeking food and escaping from predators. As previously noted, the district court ruled in the tribes' favor and issued an injunction requiring the State to correct ‘most of its high-priority barrier culverts within seventeen years, and to correct the remainder at the end of their natural life or in the course of a road construction project undertaken for independent reasons.’ U.S. v. Washington, 853 F.3d at 980 (9th Cir. 2017).

Considering equitable principles, the Ninth Circuit affirmed the district court's decision and upheld the injunction, quoting the following passage from the district court's opinion:

‘[I]t is in the public's interest, as well as the Tribes' to accelerate the pace of barrier correction. All fishermen, not just Tribal fishermen, will benefit from the increased production of salmon.... The general public will benefit from the enhancement of the resource and the increased economic return from fishing in the State of Washington [and] will also benefit from the environmental benefits of salmon habitat restoration.’

Id. at 977.

Given the 4-4 split in the U.S. Supreme Court in its per curium opinion in the Culverts case, the Ninth Circuit's decision stands.”

The Supreme Court, in refusing to hear an appeal, let stand an Obama administration 20 year moratorium on new uranium mines on some one million acres of land around the
Grand Canyon, which took effect in 2012 (Brenden Campbell, "Supreme Court lets stand ban on new uranium mines around the Grand Canyon," Navajo Times, October 11, 2018).

Lower Federal Courts


Rebecca Nagle, "Texas Judge rules Indian Child Welfare Act as unconstitutional," ICT, October 8, 2018, https://newsmaven.io/indiancountrytoday/news/texas-judge-rules-indian-child-welfare-act-as-unconstitutional-X_4Gx2-IkEKEYCEdGxSFg/, reported, "The Indian Child Welfare Act was dealt a substantial blow on Friday, when a U.S. Federal Judge in the Northern District of Texas ruled the landmark legislation unconstitutional. According to the law, when a Native child is up for adoption, family members, other tribal members, and then other Native homes are to be prioritized for placement. Ample research shows that all children, Native and non-Native alike, have better outcomes when they are raised with family, extended family or in their community over state child welfare systems and foster homes. National child advocacy organizations have praised the act as a gold standard for child welfare. The act is often referred to by its acronym, ICWA.

The republican appointee, Judge Reed O'Conner, ruled ICWA is a 'race based statute' that violates the Equal Protection Clause of the constitution. In the 47-page Brackeen v. Zinke decision, O’Conner also argued that ICWA violates the 10th amendment by 'commandeering' state courts to enforce a federal law." The opinion is at: https://turtletalk.files.wordpress.com/2018/07/155-ordernotgrantingmt.pdf.


In a unanimous decision, a three-judge panel of the court said it previously determined that the taxes do not violate federal law or infringe on the tribe's sovereignty. Therefore the tribe cannot raise the same issues again, the court said.

"The 11th Circuit's prior ruling in the case was issued in August 2015. The court struck down a rental tax imposed on the reservation but preserved the utility tax because it determined that the legal incidence fell on non-Indian utilities, not on the tribe, and is not pre-empted by federal laws or regulations."

The Eighth Circuit Court of appeals, applying principle of abstention established in Younger v. Harris, in 1979, that federal courts should generally let state courts decide state issues, overturned the decision of South Dakota District Court Judge Jeffrey
Viken granted the tribes standing to sue under the ICWA and certifying Indian parents as a class for the first time to challenge state court adoption decisions, allowing Indian children to be placed with non-Native families. Judge Viken ruled for the plaintiffs, saying the state had violated ICWA, supporting his decision by cataloging state failures. The Eighth Circuit, however, overturned, leaving the decision to the state (Rebecca Pilar Buckwalter Poza, "Court erases victory for Native American parents separated from their children," Daily Kos, September 20, 2018, https://www.dailykos.com/stories/2018/9/20/1797201/-Court-erases-victory-for-Indian-parents-separated-from-their-children?detail=emailLL).


‘This decision ensures that hundreds, perhaps thousands of Native Americans will not be able to vote in the upcoming election,' noted Slate reporter Mark Joseph Stern.

In his ruling, U.S. District Court Judge Daniel Hovland argued that granting the tribe's request for an emergency restraining order to prevent the ID law from going into effect would cause confusion too close to the Nov. 6 midterm elections and declared that ‘it is highly important to preserve the status quo when elections are fast approaching.’

Stephen Wolf, a political analyst with Daily Kos, called this rationale for voter suppression 'ridiculous.'

‘Letting Republican lawmakers abridge American citizens' fundamental right to vote simply because it's too close to an election is a ridiculous principle,’ Wolf wrote on Twitter.

Corey Goldstone, a spokesperson for the nonprofit Campaign Legal Center—one of the organizations representing the Spirit Lake Tribe—told The Center for Public Integrity that he is "disappointed" with the judge's ruling.

‘While we are disappointed with the order, Judge Hovland was correct that the evidence indicates that disenfranchisement will be 'certain,’ Goldstone concluded. ‘We are considering our options.’

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U.S. District Court Judge Robert Shelby, in Salt Lake City, UT, ruled, July 2, 2018, that San Juan County, UT, had made sufficient reforms in overcoming racial gerrymandering of its districts, declining to hear complaints from Navajo residents requesting a reopening of the case, on the grounds that they had not received appropriate ballots in the June 26, 2018 election, the first election with the new districts ("Judge sides with Utah county in Navajo voting rights case," NFIC, July 2018).

A U.S. District Court Judge in South Dakota dismissed a lawsuit brought by the Rosebud Sioux Tribe and the Cheyenne River Sioux Tribe contending that the Bureau of Indian Education's reorganization was illegal because the tribes were not sufficiently consulted about it ("Judge dismisses challenge to tribal education services," NFIC, October 2018).

The St. Croix Chippewa of Wisconsin reached agreement with that state's attorney general, according to which the Tribe may oversee the production of hemp to produce cannabidiol or CBD oil on reservation lands ("Chippewa, Wisconsin reach settlement in hemp case," NFIC, August 2018).

Kevin Abourezk, "Winnebago Tribe defends sovereignty in dispute with state officials," IndianZ, December 11, 2018, https://www.indianz.com/News/2018/12/11/winnebago-tribe-defends-sovereignty-in-d.asp, reported, "Attorneys for two tribal corporations owned and operated by the Winnebago Tribe of Nebraska asked a federal judge Monday to deny a motion by the Nebraska Attorney General’s Office to dismiss the corporations’ lawsuit against the state.

Ho-Chunk Inc. (HCI) – an economic development corporation run by the tribe – owns the two subsidiaries, HCI Distribution and Rock River Manufacturing. On April 20, those two companies filed a lawsuit against the state of Nebraska seeking to prevent the state from forcing them to abide by a legal agreement between the state and a variety of tobacco manufacturers.

HCI Distribution purchases tobacco products from tribal-based manufacturers and resells those products exclusively to reservation-based wholesalers and retailers. Rock River is a federally licensed cigarette manufacturer whose products are distributed by HCI Distribution and other national distributors to retailers throughout the country."

State and Local Courts

status has profound and positive implications for both the plaintiff-tribe, the Nanticoke Lenni-Lenape Tribal Nation, and the civil rights of Native Americans nationwide.

The office of New Jersey’s newest attorney general Gurbir Grewal (confirmed on January 16, 2018) settled the tribe’s civil rights lawsuits. In doing so, it conceded that the 3,000-member Nanticoke Lenni-Lenape Tribal Nation was officially recognized in 1982 and regularly reaffirmed formal recognition over the next three decades."


The Arizona Supreme Court on Thursday ruled that the tribe cannot make a public nuisance claim against the use of the wastewater at a publicly-accessible ski resort in the peaks. The vote was 5-2 against the tribe.

'Today we hold, as a matter of law, that environmental damage to public land with religious, cultural, or emotional significance to the plaintiff is not special injury for public nuisance purposes,' Justice John Pelander wrote for the majority.


Christine Hitt, "Hawai‘i Supreme Court Approves Thirty Meter Telescope on Mauna Kea: The controversial telescope has been given the approvals necessary for a permit that will allow it to start construction," ICT, November 19, 2018, https://newsmaven.io/indiancountrytoday/news/hawai-i-supreme-court-approves-thirty-meter-telescope-on-mauna-kea-mwXlkhmSDUyJerNhoNaTYQ/, reported, "The Hawai‘i Supreme Court ruled in favor of the Thirty Meter Telescope (TMT) Oct. 30 and affirmed the Board of Land and Natural Resources’ decision to issue a permit for the $1.4 billion telescope project on top of Mauna Kea.

The ruling is the latest in a long history of court battles that have ignited passionate objections by many Kanaka Maoli (Native Hawaiian) groups. Construction for the telescope was halted in 2015, following protests that included blocking the road to the top of Mauna Kea and arrests of as much as 31 people on one day."

Yellowstone County, MT operates a Native foster care court, with participation of the tribes with reservations in the area, to handle Indian child welfare cases involving children of the tribes: Assinboine, Northern Cheyenne and Crow. The court's largest problem has been finding enough Native foster homes. It reported in August 2018 that it had been able to place about three-quarters of the Indian children in its cases needing foster care with Native families, but has had to place the other quarter with non-Indian families (Phoebe Tollefson, "Native Foster Court seeing successes in first year," NFIC, August 2018).

A man, part Native, who lost his job with Dahled Up Construction Co., in Oregon, because he refused to attend Bible study classes required by his employer, filed suit for lost wages in Lynn county, OR court, in Coleman v. Dahled Up Construction Co. ("Oregon Man Fired Over Refusal to Attend Bible Study," Church and State, October 2018).
Tribal Courts

The Navajo Nation Supreme Court ruled that the two term limit on serving as Navajo Nation President intended to prevent a person serving more than two consecutive terms, and did not prevent former two term nation president Joe Shirley from running for a third term, after being out of the office of President for at least one term (Arlysa Becenti, "Supreme Court: Shiley can try for third term," Navajo Times, October 11, 2018).

Tribal Government and State and Local Government Developments

The Blackfeet Water Rights Settlement and Compact were signed, in June or July 2018, Among the Blackfeet Nation of Montana, the U.S. Department of the Interior, and the State of Montana. The agreements recognize the Blackfeet water rights and religious and cultural uses of water. The Tribe is guaranteed 750,000 acre feet of water, plus all the ground water on their reservation, and funds for the construction and rehabilitation of on reservation water related infrastructure. The agreement confirms tribal instream flow of water on ceded lands that are parts of the Lewis and Clark National Forest and Glacier National Park, as well as allocating 45,000 acre feet of water on lake Elwell. The tribe was granted exclusive rights for hydroelectric power on the St. Mary's Unit of the Milk River. Funding under the agreements includes fisheries, recreation and water use projects to promote economic development and employment. The department of the Interior transferred $800,000 to the Blackfeet Settlement Trust fund, established in the settlement, as the first portion of related federal funding. The compact was to be filed with the Montana Water Court, which would issue a decree on the tribe's water rights ("Blackfeet Water Rights Settlement and Compact signed," NFIC, July 2018).

Brendan Campbell, "Cronkite News: Tribes involved in Colorado River water talks: Despite fits and starts, officials optimistic a water deal is close," IndianZ, December 12, 2018, https://www.indianz.com/News/2018/12/12/cronkite-news-tribes-involved-in-colorad.asp, reported, "After months of wrangling, state and tribal officials, industry and agriculture representatives walked out of a meeting at the end of last month with high hopes they were nearing agreement on a complex water-conservation plan."

"That two-steps-forward, one-step-back process is typical of the delicate negotiations as Arizona officials try to hammer out how the state will implement its share of a multistate drought contingency plan that would take effect if water levels in Lake Mead continue to drop."

Arizona needs to have its legislature approve a water plan by spring 2019 to avoid the possibility of the federal government making the decision.

In New Mexico, the Secretary of States office, following discussions with the states tribes, trained interpreters to run a series of radio adds in the local Native language prior to the 2018 elections, to inform people about the details of the election. The New Mexico Secretary of State also worked with the Albuquerque League of Women Voters to produce printed versions of their election guides for counties with high Native populations that previously did not have guides. The guides carried details of what was on the ballots - candidates for each position, wording of proposed bond issues, constitutional amendments and any referendums - plus short statements by each candidate in answer to a set of key questions.
"New Mexico trains Native American Interpreters for election," NFIC, October 2018; and discussions across the fall of 2018 with a Co-President of Albuquerque League of Woman Voters).

The Southern Ute Tribe - State of Colorado Environmental Commission met, December 5, 2018, discussing options from the U.S. Environmental Protection Agency for the air quality, minor source program, for which it recommended one of the options to EPA (Trennie Collins, "Options for Tribe's Air Quality minor source program," Southern Ute Drum, December 7, 2018).

An undercover operation of the U.S. Department of the Interior's (DOI) Joint Opioid Reduction Taskforce, in conjunction with the Drug Enforcement Administration (DEA), the Eastern Band of Cherokee Indian Police Department, and several federal and state law enforcement agencies, led to 75 arrests and the seizing of 248 pounds of illegal substances in North Carolina Indian Country, in September 2018. Previously, a two year investigation led by the DOI Opioid Reduction Taskforce and the DEA had arrested 57 people for trafficking opioids and methamphetamine on the Cherokee Reservation ("Joint Opioid Reduction Taskforce leads to 75 Arrests in North Carolina Indian Country," NFIC, October 2018).

"Tribes welcome bill to advance casino stalled by Trump administration," IndianZ, December 13, 2018, https://www.indianz.com/IndianGaming/2018/12/13/tribes-welcome-bill-to-advance-casino-st.asp, reported, "The Mashantucket Pequot Tribal Nation and the Mohegan Tribe are hoping to revive a casino that has been stalled by the Trump administration."

Rather than wait for that issue to be resolved in court, the tribes are welcoming the introduction of a bill in the Connecticut Legislature that would eliminate the need for the Mashantucket agreement to be approved by the Trump administration in Washington, D.C."

The Great Lakes Indian Fish & Wild Life Council of Wisconsin, composed of representatives of the state's 10 Ojibwe tribes, in consultation with the Wisconsin Department of Natural Resources Board, proposed that the Wisconsin Senate Committee on Rules approve an emergency rule to take effect that would limit the transportation of deer carcasses and set rules for deer fencing, in order to limit the spread of rampant chronic wasting deer disease (CWD). For more information contact Charlie Rasmussen, (715)685-2107 ("Ojibwe Tribes endorse new regulations to curb Chronic Wasting Deer Disease (CWD), " NFIC, October 2018).

McKinley County, NM and the Navajo Nation have had difficulty restarting a very successful, and useful for both jurisdictions, cross deputizing of police officers that expired in 2010. The plan was not renewed because in a previous case in New Mexico the insurance provider had refused to cover the off reservation arrest of a non-Indian by a Pueblo police officer. Both the county and the Navajo Nation had said they would provide insurance for their cross-deputized officers acting in the other's jurisdiction, but neither had yet acted on it as of fall 2018. The reelected Sheriff of McKinley County, Ron Silversmith (Navajo) said he would work to reestablish cross-deputizing (Bill Donovan, "Unopposed sheriff, but facing cross-commissioning dilemma," Navajo Times, likely in November, 2018).
The Red Lake Chippewa, in October 2018, provided land in Minneapolis to the City where the City Council, in consultation with the tribe, decided to set up shelters for some 300 homeless people, mostly Native, before winter (Red Lake Chippewa offer land option: In Minneapolis, leaders grapple with growing homeless camp," NFIC, October, 2018).

In New Mexico, in the Spring of 2018, a plaque commemorating the volunteers who took part in the Union victory in the Civil War battle of Glorieta Pass was to be placed by the U.S. National Park Service in Pecos National Historic Park, and a bust of the leader of the volunteers, Manuel Chavez, was to be placed in the state capital rotunda. However, when the Associated Press published an article describing Chavez violent raids against Indians, New Mexico Governor Susana Martinez cancelled the placing of the bust, and the Park Service decided not to install the plaque ("Battling History: Manuel Chaves was a civil War hero. He also murdered and enslaved Native Americans. How should we remember him?" National Parks, Fall 2018).

For the first time, in September 2018, the annual Festival de Santa Fe (in Santa Fe, NM) did not begin with the Entrada, a celebration of the 1692 Spanish reconquest of New Mexico, replacing the opening with a multidenominational prayer. The change came about as the result of negotiations between representatives of New Mexico's Pueblos and the Hispanic community, following protests by Native Americans and allies that the celebration covered up the violent nature of the reconquest (Simon Romero, "New Mexico Grapples With Its Version of Confederate Tributes," The New York Times, September 9, 2018).


To some, it is an innocuous icon harkening back to the university’s first president, Pete Peterson, who frequently spoke of having “struck the gold of education.” For others, the bearded and weathered statue is an upsetting relic that sanctions the brutish treatment of indigenous people in the state during the Gold Rush.”

“The school was built on the former site of the sacred village of Puvungna, where the Tongva indigenous people lived long before European contact. And beyond its early branding by Mr. Peterson, the university has no historical ties to the Gold Rush, having been founded a century after the so-called 49ers struck gold.

Now, after years of activism and a formal committee inquiry, Jane Conoley, the university’s president, announced last month that the statue will be formally moved. The cartoonish Prospector Pete costume mascot used at athletic games, which has been slowly phased out in recent years, will also be formally retired.”

After decades of protest by Indians and supporters, the statue in front of San Francisco's Asian Art Museum and Main Library of the "Early Days" statue of a fallen American Indian at the feet of a vaquero and a missionary, was removed to fine arts

Among the increasing number of municipalities in the U.S. that have replaced Columbus Day with Indigenous Peoples day, or Native American Day, etc., on October 8, 2018, San Francisco Mayor London Breed accompanied by Board of Supervisors Vallie Brown and Malia Cohen delivered a Proclamation stating that the City and County of San Francisco would no longer recognize “Columbus Day” and would instead celebrate Indigenous Peoples Day. 93 other US cities have made this change, along with the states of South Dakota, Alaska, Minnesota and Vermont (“San Francisco Proclames October 8th as Indigenous Peoples Day,” International Treaty Council, October 9, 2018, http://hosted.verticalresponse.com/1383891/20c12d6bb1/545546365/aa063f1824/).

Vincent Schilling, "UPDATE: Medford Mayor halts auction of Native items - Auction violated NAGPRA," ICT, November 19, 2018, https://newsmaven.io/indiancountrytoday/news/update-medford-mayor-halts-auction-of-native-items-auction-violated-nagpra-tD1r5gLPKkOHi-6ZVMuveA/, reported, "The City of Medford[, MA]'s Law Department has determined the scheduled auction was not in compliance with NAGPRA, the Native American Graves and Repatriation Act."

"Medford city Mayor Stephanie M. Burke has stepped forward to remove a list of sacred Native American cultural items from a scheduled Medford Public Library auction after social media outrage and protests by Native Americans opposing the sale.

The auction was scheduled to take place on December 1st and was to be hosted by Skinner Auctioneers and Appraisers, an independent auction company based in Boston. Items on the roster included 'shaman masks' appraised at approximately $30,000, 'shaman bird rattles' appraised at $6-8,000, a shaman spirit-figure at $4-6,000 and a totem pole worth $8-12,000."

Tribal Developments

Reclaiming Native Truth: A Project to Dispel America’s Myths and Misconceptions, https://www.reclaimingnativetruth.com, was launched by First Nations Development Institute and Echo Hawk Consulting in 2016, with support from the W.K. Kellogg Foundation and a number of other institutions. "Reclaiming Native Truth is a national effort to foster cultural, social and policy change by empowering Native Americans to counter discrimination, invisibility and the dominant narratives that limit Native opportunity, access to justice, health and self-determination. Reclaiming Native Truth’s goal is to move hearts and minds toward greater respect, inclusion and social justice for Native Americans."

The project has developed two closely related guides, Changing the Narrative About Native Americans, one for allies and one for Native peoples and organizations.

First Nations Development Institute and Echo Hawk Consulting, "Groundbreaking Research Reveals America's Attitudes, Public Perceptions and Dominant Narratives about Native People and Native Issues, and Provides Opportunities for 'Reclaiming Native Truth,'" June 27, 2018, stated, "First Nations Development Institute (First Nations) and Echo Hawk Consulting (EHC) today released groundbreaking research about attitudes toward and perceptions of Native Americans as part of a jointly-managed effort called Reclaiming Native Truth: A Project to Dispel America’s Myths and Misconceptions. The project also
released two messaging guides based on the research findings and a narrative-change strategy framework that will be used to begin to change the false and misleading narratives about Native peoples.

The project seeks to create a long-term, Native-led movement that positively transforms popular narratives and images of Native Americans. A two-year phase, launched in 2016, created a solid foundation of unprecedented public opinion research and data, building upon previous research efforts. It was funded by a $2.5 million grant from the W.K. Kellogg Foundation and significant financial contributions from numerous other entities and individuals.

'Some incredible findings were unearthed through this research – many of which had long been experienced and assumed but not proven,' said Michael E. Roberts (Tlingit), President & CEO of First Nations. 'The findings clearly validate the realities that so many Native people face in their day-to-day interactions in communities. They provide our project, and the larger movement, with a strong foundation upon which to move forward.' Crystal Echo Hawk (Pawnee), President & CEO of Echo Hawk Consulting, shared, 'This research informed how we could create a new narrative that would be effective in changing misperceptions. We formulated a new narrative, created by renowned Native American artists and storytellers, that proved to change people’s understanding of Native people and issues. We are excited to take this new narrative and our research findings and transition into a new phase of this project, harnessing the power of a movement of movements.'

**FINDINGS**

Highlights from the publicly available findings include:

**Discrimination:** Most Americans surveyed significantly understate the degree of discrimination against Native Americans. Only 34 percent of Americans believe that Native people face discrimination. At the same time, myths about the abundance of Indian gaming and free government benefits to Native Americans are widely held and fuel bias across diverse demographics and within institutions.

**Narratives:** The research found that people have limited personal experience with Native Americans but accept pervasive negative narratives that are erroneously set or reinforced by others, and that proximity shapes some perceptions. For instance, people who live near or work in Indian Country, especially in areas of great poverty, are likely to hold significant bias. Only 56% of survey respondents living in close proximity to Native communities believed the U.S. should do more to help Native Americans compared to 64% of respondents further removed.

**Invisibility:** Unsurprisingly, another key finding was that Native Americans are assigned to a romanticized past. However, one of the biggest barriers identified was the invisibility and erasure of Native Americans in all aspects of modern U.S. society. Respondents, including members of Congress and administrative officials, agree that invisibility, stereotypes and narratives set by others do impact policy.

**Desire for Complete History:** One of the key opportunities uncovered is that, across the research, people are well aware of the inaccurate historical lessons they have learned about Native Americans, and want more accurate education about both historical and contemporary Natives. This was reflected in national polling that indicated that 72 percent believe it is necessary to make significant changes to school curricula on Native American history and culture.

**TESTING A NEW NARRATIVE**
Narratives are broadly accepted, overarching stories that reinforce ideas, norms and expectations in society. Repeated over and over, through diverse platforms and channels, a narrative becomes the story people accept without question. Often a narrative reinforces the status quo and perpetuates unfair systems, structures and norms. The Reclaiming Native Truth project worked to identify and test a new accurate narrative that can support cultural shifts to advance social and policy change to support racial equity and justice for Native Americans and tribal nations.

78% – Most Americans are generally open to hearing this narrative. A majority in this survey say they are interested in learning more about Native American cultures. Strong majorities support Native American positions on most issues — mascots excepted — without hearing the narratives.

81% – The public reacts strongly to our narrative.

88% – Nearly nine in 10 respondents find it credible.

One of the most significant outcomes of the project related to developing and testing a new strength-based narrative that incorporated messaging related to values, history and the visibility of Native peoples. The narrative was tested through an online survey conducted between April 27 and May 1, 2018, with 2,000 Americans over age 18. Majorities of Americans support the new narrative and find it credible. A 65 percent majority say they would be willing — 31 percent very willing — to share these ideas with others. More issue-specific narrative messages written around key issues — mascots, the Indian Child Welfare Act, tribal sovereignty and pop culture depictions of Native Americans — find similar validation.

Most noteworthy is the objective difference between those exposed to the new narrative (treated group) and those that were not (untreated “control” group). Large differences emerge among the half that read the new narrative, which gave them a framework for understanding information about key Native issues related to the Indian Child Welfare Act, sovereignty, mascots and other issues. For example, 39 percent of Americans who were not exposed to the new narratives support a ban on Native American mascots. Among those who read the narratives, 53 percent support such a ban.

'We are encouraged by the findings of the research and narrative message testing in this first phase,' said Vicky Stott, Program Officer at the W.K. Kellogg Foundation. 'As a philanthropic partner to the project, we are committed to telling more authentic and complete stories about who we are as interconnected people living in America. This work has the potential to transform the way we understand and relate to one another and, ultimately, co-create a new story about our shared humanity.'

THE NEXT PHASE

The next phase of work will focus on bringing the power of many movements — of organizations, tribes, grassroots leaders, non-Native allies, foundations — each of whom can adopt, adapt and disseminate the new shared narrative as part of their ongoing efforts and work, while leading implementation of their own priority strategies. An introduction to the narrative and messaging strategies are available as part of the Reclaiming Native Truth messaging guides at www.ReclaimingNativeTruth.com. The detailed research report and the Narrative-Change Strategy are also available online.

Potential allies, supporters and others can participate in the movement of movements. The network will contain a support and infrastructure function that will be determined jointly by core organizations working collaboratively on the initiative. There will be many ways for allies
to do their part to shift the narrative, remove bias and barriers, and achieve the collective vision for the change that is sought: that Native peoples collectively author and powerfully lead a more equitable reality where they fully benefit from and contribute to both Native and American society. Interested partners are encouraged to download the messaging guides from www.ReclaimingNativeTruth.com.

"The project provided us the critical opportunity to begin to assemble an incredible team of not only researchers, but other experts and thought leaders across Indian Country, and both Native and non-Native allies and professionals in the media, the arts, entertainment, politics and education, as well as others who have worked on successful racial narrative change projects," noted Echo Hawk. "We have the new research foundation built, a cadre of willing and able experts at the ready, and we have the desire and ability to move this project into the next phases where we can begin to shift the narrative.'

Roberts shared, 'We have also sought and received input and feedback at every step in the project, from more than 180 stakeholders, including an incredible swath of Indian Country that came together in a new and different way to support these efforts. Their voices are reflected in this project and we are all committed to work together going forward. Native Americans and tribes have faced discrimination and bias at every level of society, institutionally, and within government. They have been held back from reaching their full potential by the negative stereotypes, damaging misperceptions and lack of awareness that prevail within education, the media, entertainment, popular culture, and among thought leaders. Changing that begins now.'


"PROGRAM CONTACTS: Crystal Echo Hawk, President & CEO of Echo Hawk Consulting, crystal@echohawkconsulting.com or (720) 891-9118. Sarah Dewees, First Nations Director of Programs - Research, Policy and Asset-Building, sdewees@firstnations.org or (540) 371-5615.

MEDIA CONTACT: Randy Blauvelt, First Nations Senior Communications Officer rblauvelt@firstnations.org or (303) 774-7836 x213.


The report was released today by the Urban Indian Health Institute, a division of the Seattle Indian Health Board, titled Missing and Murdered Indigenous Women & Girls, a snapshot of data from urban cities in the United States."

The report noted that there is difficulty in obtaining good data on these cases, as well as investigating many of them, as many American Indians and Alaska Natives reside off-reservation and outside rural villages.

Alaska Senator Murkowski "cited the report confirmation regarding Native women MMIW statistics in urban communities. There are 282 confirmed murdered 127 confirmed missing and 98 cases in unknown status," said Murkowski. “We have to assume 572 is an undercount'
MMIWG Statistics from a Survey of 71 Cities Across the U.S.

The ribbon skirt is a form of cultural clothing that represents the sacredness of American Indian and Alaska Native women and the deep connection their bodies and spirits have to the land. Just like a skirt, each American Indian and Alaska Native community has its own beauty and stories of resilience despite multiple ribbons of trauma and violence stacked upon them. We chose to represent the study’s findings in this way to honor the sacredness of our urban missing and murdered Indigenous women and girls, the prayers we hold them in, and the responsibility we have to care for their stories.
Murkowski then recognized Canada’s government had contributed 54 million dollars to its own MMIW inquiry. While the United States did not fund research.

'Canada has contributed tens of millions. We’ve invested about zero,’’ she said. ‘‘We have a great deal of work to do. We need to be doing more.’

UIHI intends to provide the report as a resource for urban Indian organizations, tribal governments, and legislators.'

The Urban Indian Health Institute reported that, in 2016, there were 5712 cases of missing American Indian women and girls listed in the National Crime Information Center, but only 116 were on file in the Justice Department's missing persons data base (Daniel Perle, "Report: Crimes against Native women not reported in urban areas," Navajo Times, November 21, 2018).

A study by the National Institute of Justice found that 84% of American Indian and Alaska Native Women have experienced violence in their lifetime, and more than half from an intimate partner. About 50% of Native Women have suffered sexual violence (Trennie Collins, "Domestic violence soars in Native communities," Southern Ute Drum, October 26, 2018).

Opioid addiction, a major problem across the U.S., is particularly serious in Indian country. "Nationally, Native Americans are the hardest-hit demographic in an overdose death epidemic that has affected every corner of the country. Between 1999 and 2015, there was a 519 percent increase in the number of overdose deaths among rural Native Americans, according to a 2017 study by the Centers for Disease Control and Prevention, compared to an increase of 325 percent in rural areas overall. Abuse of painkillers and heroin have played significantly into those trends. The problem in two California tribes is discussed in, Jose A. Del Real, "Sick River: Can These California Tribes Beat Heroin and History? As salmon runs decline and opioid addiction grips the region, the Yurok, Karuk and Hoopa tribes see a connection between the river's struggles and their own," The New York Times, September 4, 2018, https://www.nytimes.com/2018/09/04/us/klamath-river-california-tribes-heroin.html?ref=collection%2Ffissu cole%2Ftoday%26Modern%26New%26York%26Times%26Action%26Click%26ContentCollection%26Today%26Paper%26Region%26Rank%26Module%26Package%26Version=highlights%26ContentPlacement=1%26pgtype=collection, reported, "For thousands of years, the Klamath River has been a source of nourishment for the Northern California tribes that live on its banks. Its fish fed dozens of Indian villages along its winding path, and its waters cleansed their spirits, as promised in their creation stories.

But now a crisis of opioid addiction is gripping this remote region. At the same time, the Klamath’s once-abundant salmon runs have declined to historic lows, the culmination of 100 years of development and dam building along the river.

Today, many members of the Yurok, Karuk and Hoopa tribes living in this densely forested area south of the California-Oregon border see a connection between the river’s struggle and their own.”

"Conflict along the Klamath has been a part of life going back to the Gold Rush, say those living on the reservation. Battles over land rights and federal funding, high rates of
violence, an epidemic of meth in the 2000s and drought have all contributed to the tribes’
difficulties. Some strife has been caused from outsiders; some has come from within.

Now heroin is fraying family bonds like never before, they say, a devastating response to

For centuries, salmon have been at the center of economic, social, cultural and
spiritual life of the tribes along the Klamath river. In an area where tribal member
unemployment sometimes reaches 80%, in recent times salmon have continued to be the
key to subsistence living. But the decline of the river has brought the decline of the salmon
to an all time low, facing many families with starvation.

"At the same time, a surge of heroin has intensified problems with opioid addiction
that first began with painkillers like OxyContin in the early 2000s and began to worsen in
2014, according to tribal members. Among the Yurok, the Karuk and the Hoopa Indians, it
is difficult to find anyone who has not been directly touched by heroin."

"In Yurok country, tribal leaders have pursued an aggressive agenda of cultural
revival since the early 1990s in an effort to keep traditions alive. The process has not
always been smooth," with infighting on some issues, including economic decisions that did not
bring the best results.

"Since then, the river’s intensifying troubles have caused spiritual pain, in addition
to exacerbating economic anguish."

"Now it feels like the river is as sick as it has ever been. I think last year was the
first time in history that the Yurok people did not fish on the Klamath,' Ms. Cordalis said.
'When you start separating those ties, it really affects people.'

The effects of heroin — and meth before it — have seeped into every aspect of life."

One of the major problems with the river has been four dams upstream that have
caused major environmental problems, including the decline of the salmon and poisoning
from pollution. The agreements to remove the dams have been awaiting approval by the
Federal Energy Regulatory Commission.

"The tribes, environmentalists and others hope the dams can be removed to address the
ecological and cultural crises at once."

"As they wait anxiously for the dam removal to be approved, tribal leaders are also
looking for inclusive ways to bring drug treatment to the region, where abuse is often
stigmatized. One solution proposed by Ms. Abinanti and others are Yurok ‘wellness
villages,' planned living sites along the river where the tribe can help reintegrate people
who have struggled with addiction. Those programs would be fundamentally centered on
the tribe’s traditional practices. They are in the process of looking for funding."

In March, the Yurok joined other communities nationally and filed a lawsuit against
several opioid companies with the Northern California Federal District Court. The suit claims
that opioid addiction has increased crime, led to economic losses and increased hospital and
administrative costs.

In May, the tribal council passed an emergency declaration and vowed to create a plan to
address the sharp rise in opioid abuse on the reservation." But, aside from the plan for wellness
villages, there are few good options. While some tribal members have entered mainstream type
medication-assisted drug treatment programs, many others are skeptical of them. "For many,
the idea of culturally relevant addiction treatment brings hope." Tribal members are
familiar with often effective ceremonies that have worked with the spirit of the river to
wash away sins and demons, and hope that they can be applied to relief from the demon of drugs.


The Mississippi Band of Choctaw Indians is one of the latest to assert authority over non-Indians as part of the law. The tribe recently updated its code to take advantage of landmark provisions in VAWA, as well as the Tribal Law and Order Act of 2010."


A bill introduced in the Muscogee National Council would restore independence to the Mvskoke Media, the tribe's media outlet, The Oklahoma Journal Record reported. If adopted at the committee level at a meeting on Thursday evening, the measure could be considered by the full council as soon as next week."

Vincent Schilling, "Cherokee Nation applauds Bass Pro Shops for removal of 'Trail of Tears' rifle." ICT, November 15, 2018, https://newsmaven.io/indiancountrytoday/news/cherokee-nation-applauds-bass-pro-shops-for-removal-of-trail-of-tears-rifle-Om0rVG7yoEarxAgSaZCHfw/, reported, "After social media went ablaze with the news that Bass Pro Shops had been selling a Winchester #9422 rifle that commemorated the Cherokee Trail of Tears, the retail giant with 171 retail stores across the United States and Canada told Indian Country Today that the rifle was a one-time single item obtained by an associate, they had immediately removed the item for sale and reached out to tribes to ask the most respectful way to handle the situation."

"Cherokee Nation Secretary of State Chuck Hoskin Jr. issued a statement Wednesday commending the actions of Bass Pro Shops regarding their removal of the Winchester rifle commemorating the Trail of Tears, from a store shelf."

Senator Martin Heinrich (D-NM) stated in an E-mail, October 22, 2018, “I was in Thoreau this morning with plumbers and pipefitters from New Mexico and all around the world who have gathered this week to help install plumbing and water sanitation services in homes on the Navajo Nation. It continues to be the stark truth that too many New Mexicans lack access to basic infrastructure that many of us take for granted.

It's estimated that 40 percent of households on the Navajo Nation lack running water. Which is why I was pleased to join with Navajo Nation leaders, the International Water, Sanitation and Hygiene Foundation, labor groups, plumbing manufacturers and other government officials today who are working hard to find solutions on this critical issue and make a real difference in people's lives.

I am a strong supporter of the Navajo-Gallup Water Supply Project, which will build 280 miles of new pipeline, new pumping plants, and water treatment plants to deliver water
from the San Juan River to communities on the Navajo Nation, the Jicarilla Apache Nation, and Gallup. I helped secure more than $20 million for the Navajo-Gallup Water Supply Project in the latest government funding bill, and I am committed to seeing this project through to completion.”

As of the beginning of fall 2018, the Navajo Tribal Utility was on track to have its newest solar thermal plant, Kayenta II, on line on May 1, 2019. It is planned to generate 78,000 megawatts of electricity, enough to power 18,000 homes (Krista Allen, "Second phase of solar plant underway," Navajo Times, September 27, 2018).

The Navajo Nation Council, in August 2018, passed the Police Officer Standards and Certification Act, authorizing Police Officer Standards and Training Commission, making the Navajo Nation the first American tribe to set its own police officer standards and certification (Arlyssa Becenti, "Navajo POST makes big step forward for tribe," Navajo Times, August 16, 2018).

The Navajo Nation Law and Order Committee, in late October 2018, authorized funding to establish the Nation's Department of Medical Examiners, so that the tribe can have its own medial examiners (Arlyssa Becenti, "New Department created for medical investigations," Navajo Times, October 25, 2018).

The Navajo Nation took the first step, at the beginning of July 2018, to establish its own addiction rehabilitation centers, by requesting the Indian health Service (IHS) to add mental health to its Title I contract. In anticipation of that development, Navajo Behavioral Health Services was renamed Navajo Behavioral and Mental Health Services (Cindy Yurth, "Tribe wants contract with IHS to run mental health," Navajo Times, July 5, 2018).

A number of organizations in New Mexico have been collaborating to deal with addiction issues that impact the Navajo Nation and its members living off reservation in New Mexico. Some of this was taking place in 2018 under the first year of the Pathways Project, funded by a Kellogg Foundation four-year grant, aimed at tackling the causes of addictions. One aspect of the program has been the establishment of job creation programs in Bernalillo, Dona Ana, Gallup-McKinley and San Juan Counties. Another development is the application of hi-tech communications by Rehaboth McKinley Christian Health Care Services (RMCHCS) to coordinate and provide rapid access to patients' medical records. Plans are to begin providing distance connections from RMCHCS to locations on the Navajo reservation so that patients can access care by closed circuit television close to home (David Dallago, "New Mexico hospital battles addictions issues with high tech prescriptions to reach Navajo reservation and communities," NFIC, September 2018).

The Navajo Nation broke ground, at the beginning of November 2018, on employee housing in Window Rock - the reservation capital - so that tribal workers will no longer have to make long, and sometimes dangerous, drives to get to and from work (Cindy Yurth, "NJA breaks ground for needed employee housing," Navajo Times, November 8, 2018).
The Navajo Nation, in July 2018, amended the Navajo Preference in Employment Act, in enacting the Civil Rights of Individuals with Disabilities Act of 2018. The act provides remedies for persons with disabilities who are discriminated against. There were concerns that the act could create considerable economic cost. The Division of Economic Development's analysis of the 2000 census found that 70 percent of Navajos over 60 have disabilities. 27 percent of Navajos ages from 16 to 64 were found to have disabilities, while 4.6 percent of those from 5 to 15 had them (Arlyssa Becenti, "Despite concern over cost, rights of disabled passes," Navajo Times, July 26, 2018).

A proposal before the Navajo Nation Council, in early July 2018, to pass an open meeting act was withdrawn for lack of support. The act would have established a policy, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officials and employees who represent them, and that all public business be conducted in public. Some of this policy is already part of Navajo law (Arlyssa Becenti, "Open meetings bill goes down in flames," Navajo Times, July 5, 2018).

The Southern Ute Tribe of Colorado furthered its application of traditional principles of member participation (often discussed in this section of IPJ) by inviting elders to a meeting of the skatepark planning and development team to comment on the planning, and by insuring that youth - who would be the prime users of the park - were involved in the development (McKayla Lee, "Skatepark raises concerns for elders," Southern Ute Drum, November 21, 2018).

The tribe also continued to move to expand member information about, and participation in, its affairs by persisting in carrying out virtual dialoguing town hall meetings via internet, only accessible to tribal members ("Tribal Council Virtual Town Hall," Southern Ute Drum, October 12, 2018).

In Rapid City, SD both the urban and nearby reservation Indian communities felt strongly that the Indian Health service facility had long been mismanaged and functioned badly but differed on how to fix the problem. The tribal group had led a decision to transfer operation of the health clinic from IHS to the Great Plains Tribal Chairman’s Health Board (James Giago Davies, "Today: Urban Indians protest tribal takeover of hospital: Indian community rallies in front of federal building, Tribal jurisdiction called into question," IndianZ, December 12, 2018, https://www.indianz.com/News/2018/12/12/native-sun-news-today-urban-indians-prot.asp, "Both sides in the battle over Rapid City Indian health care accuse the other of spreading misinformation. On one side, there is a large group of concerned citizens of Rapid City’s urban Indian community.

Many of them gathered in front of the downtown federal building in Rapid City on Saturday afternoon, marching and chanting with brightly colored placards, a rally to keep the Rapid City Indian Health Service (IHS) service unit at Sioux San. On the other side, is the Great Plains Tribal Chairman’s Health Board (GPTCHB), headed up by Director Jerilyn Church, and backed by three critically important tribal resolutions, and IHS support. The GPTCHB also has the support of the city and many civic organizations, like RAI and Bruce Long Fox."
The Three Affiliated Tribes of North Dakota, on September 5, 2018, opened the Good Road Recovery Center in Bismarck, ND, a $24.8 million inpatient drug treatment center for tribal members ("Three Affiliated Tribes open treatment center in Bismarck," NFIC, September 2018).


The Fort Peck Tribal Council, of Montana, has decided not to allow marijuana on its reservation, even for persons with state-issued medical marijuana cards, in order not to risk losing federal funding, as marijuana remains illegal under federal law ("Fort Peck Tribal Council disallows medical marijuana," NFIC, August, 2018).

The first three American Indian women ever elected to the U.S. Congress won seats in the 2018 election: Deb Haaland (Laguna Pueblo) in New Mexico, Shari Davids (HoChunk) in Kansas (Jessica Sutherland, “We never had a Native American woman in Congress, but with Deb Haaland's win, we now have TWO,” Daily Kos, November 6, 2018 https://www.dailykos.com/stories/2018/11/6/1810516/-We-never-had-a-Native-American-woman-in-Congress-but-with-Deb-Haaland-s-win-we-now-have-TWO), and Xochitl Torres Small (Aztec), a Democrat, became the Congressperson from New Mexico’s second district (though Small is not a member of a U.S. tribe, so officially there are two U.S. women tribal members now in Congress) (“US Elections ~ New Mexico,” accessed November 14, 2018, https://uselections.com/nm/nm.htm). Small's opponent, Republican Yvette Herrell, is a member of the Cherokee Nation).

Ruth Buffalo (Mandan, Hidatsa, and Arikara Nation) became the first Democrat American Indian woman to be elected to the North Dakota legislature, defeating the Republican incumbent who had proposed the state’s voter ID law, which was aimed at suppressing the Indian vote. The reaction among North Dakota Natives, with great financial support from around the U.S., was that in Sioux County, location of the Standing Rock Indian Reservation, turnout was up 105 percent from the last midterm elections in 2014 and 17 percent from the 2016 presidential election (Maggie Astor, “Meet the Native American Woman Who Beat the Sponsor of North Dakota’s ID Law,” The New York Times, November 13, 2018, https://www.nytimes.com/2018/11/13/us/politics/north-dakota-ruth-buffalo.html).

Tony Affigne reported by E-mail, October 17, 2018, “After the resignation of Lieutenant Governor Byron Mallott yesterday, Alaska's commissioner of health and social services, Valerie Nurraaluk Davidson, was sworn in Tuesday. An enrolled tribal member of the Orutsararmiut Native Council, Davidson has represented Native American tribes at the state level under administrations of both major parties. From her official web page: 'Davidson earned her juris doctorate, with a certificate in Indian law, from the University of New Mexico
School of Law, and a bachelor’s degree in education with a minor in bilingual education from University of Alaska Southeast. Davidson, a Yup’ik, was born in Bethel.

Economic Developments

Native Business has been launched by Gary and Carmen Davis as a media platform to bring together and make available to new and continuing Native entrepreneurs the business learnings and expertise of their compatriots and predecessors. For more go to: https://www.nativebusinessmag.com ("Gary and Carmen Davis launch 'Native Business', NFIC, August 2018).

"2017 Indian Gaming Revenues Increase 3.9% to $32.4 Billion," National Indian Gaming Commission, June 26, 2018, https://www.nigc.gov/news/detail/2017-indian-gaming-revenues-increase-3.9-to-32.4-billion, reported, "Today Chairman Jonode Osceola Chaudhuri, Vice Chair Kathryn Isom-Clause, and Associate Commissioner Sequoyah Simermeyer of the National Indian Gaming Commission released the Fiscal Year 2017 Gross Gaming Revenue (GGR) amount saw an increase of 3.9% over 2016, totaling $32.4 billion.

The FY 2017 revenues are calculated from the independently audited financial statements of 494 gaming operations, owned by 242 federally recognized Tribes. The GGR for an operation is the amount wagered minus winnings returned to players. It represents earnings before salaries, tribal-state compacts, and operating expenses.

The annual announcement of Gross Gaming Revenue numbers for Indian Country provides a yearly snapshot of the economic health of Indian gaming. As 2018 marks the 30th year of gaming under IGRA, it is an opportune time to reflect on key policy principles that have helped create the successes of a healthy Indian gaming industry these policies include: The preservation of the role of Tribes as the primary regulators and beneficiaries of their operations;

Recognition and utilization of Congress’s stated intent and IGRA’s built-in flexibility to promote technological innovation, such as the use of electronic aids in class II gaming;

Faithful application of the law that accounts for the unique histories and land-bases of Tribes and IGRA’s built-in flexibility to allow Indian gaming on a variety of different types of Indian lands;

And finally, the primacy of the nation to nation relationship between tribes and the federal government and tribes, one that predates the US Constitution.

The consistent growth of the Indian gaming industry year after year shows how well tribes run and regulate complicated operations. By staying in its regulatory lane and supporting tribes as the primary regulators, the NIGC has supported the Indian gaming industry’s entrepreneurial spirit and self-determination goals.

'All of Indian Country has worked very hard to maintain a flourishing and constantly growing gaming industry,' said the Chair of the NIGC, Jonode O. Chaudhuri. 'The successes of Indian gaming in the 30 years since IGRA prove that the foundational principles of federal Indian law should remain at the forefront of any future public policy discussions,'he said.

For more detailed data and information such as region-specific information refer to the media center tab under the Public Affairs division on the National Indian Gaming Commission website: https://www.nigc.gov/public-affairs/conference-presentations," the main charts are below"

Details remain scarce about the Aquinnah Wampanoag Tribe [of Massachussets] and its long-awaited casino in Massachusetts.

A local official recently met with Chairwoman Cheryl Andrews-Maltais to discuss the project, The Vineyard Gazette reported. But other than being told that the casino would be open in the summer of 2019, there was little new information about the forthcoming facility."

"Pueblo of Tesuque 'absolutely pleased' with response to new casino," IndianZ, December 6, 2018, https://www.indianz.com/IndianGaming/2018/12/06/pueblo-of-tesuque-absolutely-pleased-wit.asp, reported, "New Mexico's newest tribal gaming facility opened to the public on the day after Thanksgiving and the response has been positive, a Pueblo of Tesuque executive said."

Fort McDowell Yavapai broke ground, June 29, 2018, on a $120 million casino, near Phoenix, AZ, that will include high end dining, a sports bar, and an entertainment stage ("Fort McDowell Yavapai brake ground, on $120 million casino project," NFIC, August 18).

Navajo Nation's Twin Arrows Casino, on interstate 40 in western New Mexico, broke ground, September 20, 2018, on a $10 million travel center. At the ground breaking, Twin Arrows announced the launching of the Nation's first business internship program, offering 20 internships to Dine students at nearby institutions of higher learning, who will be given opportunities to learn how to function well in business, and will participate in the planning, designing and building of the travel center (Quincy Natay and Brian Parrish, "$10 million project continues Navajo gaming impact," Navajo Times, October 4, 2018).

The Southern Ute Tribe of Colorado, on June 4, 2018, had its credit rating reaffirmed as AAA, by Fitch Ratings. In 2001, The Southern Utes became the first Indian Nation to receive an AAA credit rating (Christine Sage, Chairman, Southern Ute Indian Tribe, "State of the Tribe: 2nd Quarter, "Southern Ute Drum, July 6, 2018).

In October 2018, The Southern Ute Growth Fund stated that it had made financial gains in the past year. The tribe produces natural gas and has ownership of, and investments in, oil and gas production and pipelines as far away as the Gulf of Mexico, and has considerable real estate holdings. One of the major developments is that the tribe advanced from the original 25 percent to 51 percent ownership of its Red Cedar Gathering Company, that collects and compresses natural gas from reservation wells for delivery to interstate pipelines (Trenne Collins, "FY2018 shows financial gains for membership," Southern Ute Drum, October 12, 2018).

There has been concern in the Navajo Nation, expressed by some of its council members, that while some of the Nation's businesses return money directly to the Nation, others do not do so, though many, if not all, provide some benefits to tribal members, such as by providing scholarships. An increase in businesses returning money to the nation was sparked by the launching, in 2017, of the Naat'aanii Development Corporation to stir economic development and job creation on the reservation, in part by speeding the time that it takes for new businesses to be approved. A core principle of Naat'aanii is that it will return a percentage of its profits to the nation each year. In June 2018, Navajo Agricultural Products Industry presented $250,000 to the nation, via a check to the Budget and Finance Committee, while the Dine Development Corporation presented a check for $300,000 (Bill Donovan, "Tribal enterprises start sharing the wealth," Navajo Times, June 28, 2018).

Gallup, NM, on the border of the Navajo reservation and with a sizable Navajo population has been experiencing a tourist boom, mostly in foreign tourists, reporting a 7-10 percent increase. It appears that the tourists are expressing considerable interest in Navajo culture and crafts, which should be having economic benefits for Navajo Nation, and others, including some of the nearby Pueblos ("Gallup sees major tourism jump," NFIC, August 2018).
The Cherokee Nation of Oklahoma owned Cherokee Nation Systems Solutions (CNSS), a subsidiary of Cherokee Nation Businesses, has won a $3.6 million contract with the U.S. Farm Services Agency to provide data integration and relocation services as the agency is involved in a move. CNSS provides a complete line of innovative services, consulting and products to government agencies ("Cherokee Nation Systems Solutions supporting USDA data project," NFIC, August 2018).

Education and Culture

The Cherokee Nation of Oklahoma, in November 2018, announced the establishment of the first medical school on tribal land, in a collaboration with Oklahoma State University to launch a medical school at a tribal clinic ("This week's stories: First medical school on tribal lands," ICT, November 19, 2018, https://newsmaven.io[indiancountrytoday/news/this-week-s-stories-first-medical-school-on-tribal-lands-Ob7kZZIYQkOFe2J8xaA4IQ/]).

A Dine College Professor, Sara Klein, and two of her undergraduate students, Ashley Lee and Tatyanna Begay, took part, in Fall 2018, in a 10 week Department of Homeland Security funded research project into school shootings, and the role of social media around them, at George Mason College, in Fairfax, VA, aimed at improving prevention of school shootings and school violence. Professor Klein was expecting to begin follow up research in January 2019 ("Professor, students study school shootings," Navajo Times, November 29, 2018).

Dine College, the University of New Mexico and Northern Arizona University were awarded a $429,000 grant by the Environmental Protection Agency, in September 2018, to study the potential effects of abandoned uranium mines on live stock in the Cove area of Northern Arizona. There are 523 abandoned uranium mines on and near the Navajo reservation ("Grant awarded to study uranium mines," Navajo Times, September 13, 2018).

Dina Horwedel, American Indian College Fund, dhorwedel@collegefund.org, 303-430-5350, "American Indian College Fund Names Five Tribal College Recipient Grantees; “For the Wisdom of the Children” Program to Build Native Early Childhood Teacher Pipeline, Promote STEM in Early Childhood Education," July 10, 2018, stated, "Research has shown that children of color are more likely to succeed when they have a teacher of the same race. Yet Native American children are much more likely to have a white teacher than a Native teacher. To promote Native children’s positive educational trajectory, in April the American Indian College Fund announced its launch of a new “For the Wisdom of the Children: Strengthening Teacher of the Color Pipeline” Early Childhood Education (ECE) Science, Technology, Engineering, and Mathematics (STEM) Initiative, funded by a two-year, $1.5 million grant from the W.K. Kellogg Foundation. Today the College Fund is announcing it has chosen the five following tribal colleges and universities (TCUs) to help grow the numbers of Native teachers in American Indian communities through teacher education and training, and to create culturally based community partner programs with educators and parents through the grant.

Fond du Lac Tribal and Community College (FDLTCC) in Cloquet, Minnesota will receive funding for its program titled Minogi’aawaso Maajigii (Raise Children in a Good Way as
They Grow) to develop an associate of science early childhood education degree program focused on its emergent bilingual program. The program will increase parent involvement, support faculty development, and work with partner programs.

**Keweenaw Bay Ojibwa Community College (KBOCC)** in Baraga, Michigan will receive funding for its Gimaadaadizimin (We All Start a Journey) program to strengthen the teacher education pipeline of Native teachers and teachers of color. KBOCC’s community learning model is the guiding framework for teacher development, outreach, and outcomes to place teachers in community programs. The program will implement a mentor and coach system to support development of teachers; create a community of learner’s model focused on building relationships and partnerships; disseminate the program plan by conference to reach more than 100 teachers; and implement culturally based work in the subject matter areas of family science, math, and engineering to engage with students and families in STEM activities.

**Northwest Indian College (NWIC)** in Bellingham, Washington will receive funding for its program titled Engaging Native Children in Science, Technology, Engineering, and Math (STEM): What Our X’epy (Cedar People) and Scha’nexw (Salmon people) Can Teach Us about the World and Cosmology. The program will develop math, science, and technology courses for all associate of arts degree-seeking students at the institution. In addition, the college will build on the strength of its associate of science degree-transfer program and technology and will integrate outdoor learning spaces and Lummi culture/language connections by building upon its existing work.

**Salish Kootenai College (SKC)** in Pablo, Montana will receive funding for its Our People’s Timeline: Community STEM Education, Season by Season. The program is based on the concept that Indigenous STEM education is seamless and includes connections to SKC’s surroundings both in and outside of the classroom. The project timeline is guided by the seasons. SKC’s work will shed light on each area of the STEM fields.

**Southwestern Indian Polytechnic Institute (SIPI)** in Albuquerque, New Mexico will receive funding for its Strengthening Our Collective Capacity: A Community-Based Initiative Supporting Early Childhood STEM Opportunities and Teacher Development program. The program will develop community-based projects that enable families to build cognitive thinking and skills necessary to engage in STEM fields in the future, with a goal of training teachers to support ECE STEM training and engaging preschool teachers to support quality ECE STEM education for children and families.

These TCU programs will create STEM opportunities grounded in Indigenous approaches including culture and language, starting with the earliest Native learners and their families. This is especially important given that Natives are severely underrepresented in the STEM fields.

The program commenced on July 1, 2018.

To learn more about how the American Indian College Fund’s work prepares young children for academic and social success at a foundational age through place-based, culturally appropriate education, please download the College Fund’s free landmark report detailing its work that inspired an international movement: *Tribal College and University Early Childhood Education Initiatives: Strengthening Systems of Care and Learning with Native Communities from Birth to Career.*

The State of New Mexico, has developed a new social studies curriculum, "Indigenous New Mexico," to be used in all high schools in the state, beginning in June 2019.
The curriculum includes the history and culture of all of the state's Indian nations, and covers history, government, economics, geography and English language studies. It was developed in cooperation with the state's Indian tribes, and was first tested in Native schools. 70 percent of the developers of the curriculum were Native (Colleen Keane, "New Mexico rolls out Indigenous-based social studies curriculum," Navajo Times, December 6, 2018).

An educator on the Navajo reservation has cited a lack of sufficient sex education as a major factor in the rise of sexually transmitted diseases (STDs) on the reservation and beyond. The reservation is spread across Arizona, New Mexico and Utah. Legislation was introduce in Arizona, in 2018, that would require sex education to be medically accurate, but not mandatory. In New Mexico, in 2018, sex education was required, but did not have to be medically accurate. Only Utah required sex education, and mandated that it be medically accurate.

The Keres Children's Learning Center (KCLC), at Cochiti Pueblo in New Mexico, one of two Montessori certified schools in the state has continued "making notable progress in our mission to reclaim our children's education and honor our heritage by using a comprehensive cultural and academic curriculum to assist families in nurturing Keres-speaking, holistically healthy, community minded and academically strong students." KCLC has been having an impact beyond the Pueblo on Indigenous education through visits from national organizations, invitations to participate in national and state discussions of Indigenous education policies, its annual Keres language symposium and the recent establishment of its Indigenous Montessori Institute (IMI). IMI provides Indigenous Montessori teachers training (Letter of December 14, 2018 from KCLC. For more information go to: www.kclcmontessori.org).

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"Terrence Kaufman Collections at AILLA," Archive of the Indigenous Languages of Latin America (AILLA), September 7, 2018, https://www.ssila.org/publications/terrence-kaufman-collections-at-ailla/, reported, The Archive of the Indigenous Languages of Latin America (AILLA), a digital repository at the University of Texas at Austin, is pleased to announced the opening of the Terrence Kaufman Collections.

In 2012, AILLA was awarded the NSF grant BCS-1157867 "Archiving the Terrence Kaufman Collection" (Anthony C. Woodbury, PI; Patience Epps and Susan Kung, co-PIs), and the archive staff began the work of organizing, digitizing, ingesting and curating the vast assemblage of American indigenous language materials in the possession of Terrence Kaufman. Kaufman collected and compiled his extremely large collection of materials over the course of his 50-plus-year career as a linguistic anthropologist who not only conducted his own research and fieldwork, but who also directed two large-scale, multi-year, multi-researcher language documentation projects, the Francisco Marroquín Linguistic Project (PLFM) in Guatemala in the 1970s and the Project for the Documentation of the Languages of MesoAmerica (PDLMA) in Mexico in the 1990s and 2000s. As the final result of this NSF grant, AILLA staff have organized this vast assemblage of materials into 12 separate collections in the digital repository. The 12 collections include data on 119 distinct languages, as well as approximately 70 dialectal varieties. These languages and varieties represent 26 languages
families, 4 isolates, and 1 pidgin, and they come from 22 countries extending from Canada to Argentina. Language families with the highest representation of materials are Mayan (Mexico and Guatemala), Mixe-Zoquean (Mexico), Otomanguean (Mexico), and Uto-Aztecan (Mexico and USA). Please see the official announcement on AILLA for descriptions of and direct links to the 12 collections: https://www.ailla.utexas.org/node/174.

These 12 collections represent a treasure-trove of data that can be utilized for countless purposes. If you use any of these materials in your own research or for other non-commercial purposes, please follow and respect AILLA’s Conditions of Use (https://www.ailla.utexas.org/site/rights/use_conditions), including citing the materials and the archive. For guidance on how to cite these materials, please see AILLA’s Citation Guidelines (https://www.ailla.utexas.org/site/rights/citation). Finally, make sure to get permission from the copyright owner if you want to create any kind of derivative product. Nothing in AILLA may be used for commercial purposes. We hope that you are able to enjoy and make use of these materials. If you do, please write to us at ailla@ailla.utexas.org and let us know!

The Facebook community language translation tool added a new Inupiaq language option, particularly useful for people in Alaska, in the late summer of 2018 (Rachel d’Oro, "Facebook adds Alaska’s Inupiaq as language option," NFIC, September 2018).

The last Miwuk village in Yosemite National Park, in California, destroyed 40 years ago, is being reconstructed at its traditional site to help the tribe’s young people learn about their culture ("Last Native Village in Yosemite being rebuilt," NFIC, January 2018).

The Board of Directors of the Society for Cinema and Media Studies, as part of an initiative to recruit more members working in Indigenous film and media—"areas we recognized were underrepresented in the organization"—the Board recently unanimously voted to offer multi-year discounts on membership and conference registration. Like the commercials say, some conditions apply: for new or returning members (i.e., those who were not members for the past full calendar year), SCMS will waive both the membership and conference fees in the first year, and in the second year will waive the conference fee. This is an unprecedented outreach effort, and one that demonstrates SCMS’s substantive investment in fostering scholarly conversations around Indigeneity and media" (E-mail received from UNCP SAIS News, August 7, 2018).

PBS began carrying the Native made weekly TV history and culture series, Native America, in October 2018 (PBS publications)

A shift has been taking place from Native art being perceived by the general public as anthropological artifacts to its being seen as art as a result of major solo Native art shows, ambitious surveys and increasing opportunities for Native artists to create and speak for themselves on the world stage (Donna Bryson, "Is Native art finally getting its due?, Christian Science Monitor weekly, December 3, 2018).
International Developments

International Organization Developments

The August 27, 2018 Report by the United Nations Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz, indicating that there has been a surge of instances of physical violence and criminalization aimed at Indigenous Peoples globally, is below, in Research Notes.


The CERD Committee incorporated some of Cultural Survival’s recommendations related to Indigenous Peoples rights in their concluding observations, which include:

- ensuring the recognition of all Indigenous Peoples in Nepal,
- respecting Indigenous political participation and ensuring their representatives are freely chosen,
- revising legislation to resolve disputes concerning Indigenous rights to traditional land and natural resources,
- upholding the right to Free, Prior and Informed Consent,
- ensuring evictions are carried out according to international standards and provide remedy and housing for those who are evicted, and
- protecting Indigenous Peoples from acts or threats of violence, including those carried out by the state, and taking measures to investigate and prosecute these crimes.

Specifically, the CERD Committee was concerned about Indigenous Peoples lacking adequate and and meaningful participating in the drafting of the 2015 Constitution, because their representatives were not freely chosen but were instead selected via political parties. The Committee also voiced concern that domestic legislation only recognises 59 out of the 81 Indigenous Peoples in Nepal.

The Committee also was concerned by ‘the absence of laws guaranteeing the rights of Indigenous Peoples to own, use and develop their traditional lands and resources, and by allegations that these rights have been violated in the context of hydropower, road widening and other development activities that are often accompanied by involuntary displacement; by reports of severe harassment of Indigenous leaders, including members of the Tharu people, by State agents; and by the criminalization of cow slaughter, which compromises the rights of indigenous peoples for whom the eating of beef holds cultural significance.’

The Committee has recommended the government of Nepal to:

(a) Ensure that its domestic legislation formally recognizes all indigenous peoples in Nepal;
(b) Ensure that the right of indigenous peoples to participate in government bodies under article 42 of the Constitution is effectively respected and that indigenous peoples freely choose their representatives;

(c) Find an adequate negotiated solution to resolve the dispute regarding the rights of indigenous peoples over their traditional lands and natural resources, including by revising its legislation on this issue and taking into account ILO Convention No. 169;

(d) Obtain the free, prior and informed consent of indigenous peoples prior to the approval of any project affecting the use and development of their traditional lands and resources;

(e) Take all necessary measures, including legislative measures, to guarantee that evictions are carried out in accordance with international standards, and provide remedies and adequate alternative housing to those affected by eviction;

(f) Ensure the safety of indigenous peoples who have been subjected to threats, harassment, and other arbitrary and violent acts by government agents and/or private individuals; and take measures to prevent and investigate such acts and punish the perpetrators.’

The Committee also invited Nepal to repeal laws that criminalize aspects of Indigenous cultures in order to respect the rights of Indigenous Peoples to freely exercise their cultural and religious rights.

The Committee has further raised concerns about underrepresentation of Indigenous peoples in education and teaching positions, persistence of bonded labour practices, including Kamaiya, reports of Adivasi/Janajati comprising almost half of trafficking victims and landlessness among Adivasi/Janajatis, among others and made recommendations to address such discriminatory situation.

Cultural Survival’s report discusses these issues, along with violations of freedom of speech, preservation of languages, and human trafficking. The report begins by noting controversy surrounding government recognition of Indigenous Peoples, including a contested statistic of Indigenous population, ranging from the census’ figure of 35.81% to Indigenous Peoples’ organizations’ figure of over 50%. The report also mentions government exclusion and restriction of Indigenous participation and representation in political processes despite recommendations from a CERD Committee and the Special Rapporteur on the Rights of Indigenous Peoples to address these violations of internationally recognized rights.

The report describes excessive, military force used by the government to suppress Indigenous people protesting for the inclusion of Indigenous Rights in the constitution and protesting against development projects in their ancestral land. This abuse of Indigenous protestors is noted in many private-sector hydropower projects along with the World Bank-funded Nepal Power Development Project. The prohibition of cow slaughtering has also led to the detention (along with abuse and torture) of many Indigenous people. It is argued in the report to be a violation of the right to religious freedom under Article 1 of the UNDRIP, as many Indigenous communities have traditionally relied on the cow for subsistence or religious practices.

Indigenous Peoples have also been displaced from their land through conservation policies. Approximately 65% of Indigenous Peoples’ lands in Nepal have been occupied by national parks and reserves, forcing many to relocate and disrupting traditional subsistence practices. The establishment of these national parks are often done without the consultation of Indigenous communities, and Indigenous representation in conservation decision-making processes is lacking. This displacement and disruption of traditional
subsistence practices has contributed to high levels of hunger and malnutrition in Indigenous communities.

The implementation of a new government policy the “Online Media Operation Directive” gives the government the authority to shut down an online news portal if it is not registered every year, or if it spreads news that is deemed illegal, immoral, or misinformative. Under this policy, Indigenous people have faced censoring as the government has discretion in determining if the information reported is lawful or appropriate.

The report describes the preservation of languages as another key issue facing Indigenous people. Efforts to educate children in their mother tongue through the government’s 2009 Multilingual Education Implementation Guidelines were ineffective due to insufficient government funding. Even this program, however, only included the Nepali language as the primary language of instruction, putting non-Nepali speakers at a disadvantage. High rates of illiteracy exist in some Indigenous communities, especially among women.

Indigenous women in particular face high rates of poverty and violence. The report cites the figure that 7 out of 10 girls who are trafficked are from Indigenous communities. While the Committee on the Elimination of Discrimination Against Women has recommended that Nepal works to address the trafficking of women and girls, it does not mention ethnicity as a factor to be specifically addressed in this initiative, leaving the particular needs and concerns of the most affected population, Indigenous women and girls, unacknowledged ad unaddressed.

The report also highlights institutionalized discrimination, with the protection of ‘secularity’ in Article 4 (I) of the Constitution of Nepal being interpreted as the protection of Hindu religion and culture. Along with this, certain ethnic groups were given special recognition in the constitution. When the European Union Election Observation Mission recommended that the government of Nepal remove this special inclusion of particular ethnic groups, the government and major political parties rejected the recommendation and requested that the Mission revise the report.

Cultural Survival’s recommendations for the government of Nepal included supporting Indigenous media, amending the National Parks and Wildlife Conservation Act to ensure the access of natural resources to Indigenous communities that have relied on them, ensuring education for children in their mother tongues, and urgently promoting the rights of Indigenous women by addressing the root causes of poverty, marginalization, land loss, and economic migration.

Read the full report of the CERD review at https://bit.ly/2ys3NAM.

to provide technical assistance to the states being reviewed. The 193 member states are divided into groups that alternate review cycles. The 3rd cycle of the UPR will last five years.

The report submitted by Cultural Survival, along with the state report from Chile and reports from additional human rights experts, will assist the UPR Working Group in reviewing the Chilean State in accordance with its obligations to the international human rights treaties it has ratified, the United Nations Declaration of Human Rights (UDHR), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

**Ongoing Issues**

In its report, Cultural Survival documents the failure of the Chilean State to respect, protect, and fulfill the human rights of Indigenous Peoples. These responsibilities are mandated by the UDHR, UNDRIP, and various human rights treaties that Chile has ratified, most notably the International Convention Against Torture, the International Convention on Civil and Political Rights, the International Convention on Economic and Social Rights, and the International Convention to End Racial Discrimination. Chile is the only South American country not to recognize Indigenous Peoples in its constitution. Indigenous Peoples in Chile face discrimination, stereotyping, criminalization, land-grabbing, and restrictions on their right to freedom of expression.

One area of immediate concern is the labeling of Indigenous Peoples as “terrorists,” especially those at the forefront of Indigenous rights movements. It is a practice that functions to criminalize Indigenous human rights defenders using an Anti-Terrorism Law established under the brutal dictatorship of Augusto Pinochet. President Piñera amended the Anti-Terrorist Law in March 2016 to allow for even greater power in the hands of law enforcement to monitor individuals suspected of “terrorism” despite criticism from the UN Special Rapporteur on Counter-Terrorism, the International American Committee on Human Rights, and previous UPR recommendations. Cultural Survival documents incidents involving both the planting of evidence by the Chilean State Police Force to falsely accuse traditional Indigenous leaders of “terrorism” and subsequent illegal detentions that violate their rights to due process.

Cultural Survival also documents the violation of Free, Prior, and Informed Consent (FPIC) by multinational corporations and the role of the Chilean Government in the negligence of this international right. FPIC is recognized by the UN, most notably in the Declaration of the Rights of Indigenous Peoples (UNDRIP), and functions to ensure that Indigenous Peoples be informed of developments on their lands, have a right to consent to such developments or to refuse to allow them, and have the right to veto any future developments regardless of consent to current projects. Indigenous communities in Chile, however, continue to be excluded from decision-making processes for the use of their ancestral lands, despite prior UPR recommendations addressing Chile’s compliance with FPIC and Chile’s own recognition of the right as exhibited by its ratification of the International Labor Organization co. 169 and the fact that it signed UNDRIP. Cultural Survival’s report shows the damaging effects of extractive industries such as mining, hydroelectric dams, agribusiness, and forestry that operate on Indigenous lands without the communities’ consent. Such effects include environmental degradation, economic disenfranchisement, cultural loss, and violent conflict.

A final point of concern is legislation that discriminates against Indigenous community radio, violating Indigenous Peoples’ rights to freedom of expression. Legislation such as the General Telecommunications Law implement unreasonable requirements for broadcasting licenses, for example, fees that are out of the economic reach of Indigenous
communities. The right to freely express one’s views is also regularly violated by state law enforcement entities that use violent force to intimidate and subdue Indigenous protesters. Cultural Survival documents raids on community radio stations, arrests, and harassment of community media operators in its report.

The Universal Periodic Review for Chile will take place in January, 2019 in Geneva, Switzerland. At the conclusion of the UPR, Chile will receive a final report from the UPR Working Group with recommendations to be implemented before the next review. Cultural Survival has included several recommendations in its report addressing the current state of Indigenous human rights in Chile.

**Recommendations**

Cultural Survival calls upon the Chilean Government to accept and implement the following recommendations:

1. **In continuance of previous UPR recommendations, comply with recommendations from various UN bodies to terminate the use of the Anti-Terrorist Law used to persecute Mapuche leaders and protesters fighting for political and land rights.**

2. **Ensure that Free, Prior and Informed Consent of Indigenous communities is obtained before any development projects take place on their land.**

3. **In continuance of previous UPR recommendations, conduct human rights and Indigenous Peoples rights training with police forces; hold police accountable for excessive use of force committed against Indigenous communities during protests, raids, and interrogations. Ensure that the victims of these crimes are given full access to the judicial system.**

4. **Facilitate and promote right of Indigenous Peoples to their own forms of media by decriminalizing community radio.**

5. **Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to do a follow up visit to Chile.”**

Read the full report at: https://www.culturalsurvival.org/sites/default/files/Chile_UPR_2018.pdf.

"Cultural Survival Advocates For Indigenous Women In Mexico," Cultural Survival, June 19, 2018," reported, "On June 8, 2018, Cultural Survival submitted its alternative report on the state of Indigenous women’s rights in Mexico to the Committee on the Elimination of Discrimination Against Women (CEDAW). CEDAW was adopted by the United Nations in 1979 and went into force in 1981. The Convention affirms the UN’s and member states’ commitment to ending discrimination against women in all forms, earning it the title of an international bill of rights for women. Reports to CEDAW provide an important international check on a state’s human rights situation by working to expose problem areas and by offering solutions.

CEDAW highlights 'the unique situation of rural women' including many Indigenous women, in its General Recommendation No. 34. Rural women make up a quarter of the world’s population and they face greater poverty and exclusion than do rural men or urban women. General recommendation No. 34 outlines areas of concern for women in rural areas as well as enumerating ways that such women can be helped. It also acknowledges the ways that ethnic identities such as Indigenous heritage complicate the experiences of rural women. As such, the recommendations include that states ensure Indigenous and other marginalized people are included in protections for rural women.
Cultural Survival’s report to CEDAW brings attention to areas of concern for Indigenous women in Mexico, as well as detailing where difficulties facing them are increasing or decreasing across the country. It finds that funding to federal agencies tasked with aiding Indigenous women is often insufficient or misspent, Indigenous women’s land rights are under threat, and that violence against Indigenous women and their allies is on the rise.

Loss of access to traditional lands is ongoing and destructive to Indigenous women’s ways of life and wellbeing especially as many Indigenous women rely on the land to feed their families. Indigenous women currently face difficulties owning and controlling their own land both because men are the traditional inheritors of land and because the bureaucratic processes to acquire land titles are skewed towards men. Indigenous Peoples continue to face regular threats to their land and resources as a result of the government’s failure to achieve the Free, Prior, Informed Consent of Indigenous Peoples regarding the use of their land.

Although some legislative steps have been taken to improve the condition of Indigenous women in Mexico, many laws lack enforcement, and many gaps exist in legislation to protect Indigenous women. An area of deep concern regarding lack of legal protection is Indigenous women’s health care, particularly gynecological, prenatal, and postnatal care. There is a history of nonconsensual sterilization of Indigenous women, a practice that continues to this day. Indigenous women also face greater vulnerability to rape, inadequate access to health care, limited access to abortion, and high rates of maternal mortality. Barriers to care include lack of funds, lack of caregivers who speak their languages, and limited access to care in the rural areas where many Indigenous women live.

Violence against women is on the rise in Mexico, with violence against Indigenous women most likely remaining disproportionately high. It is estimated that Indigenous women represent 70 percent of trafficking victims in Mexico, although much work is needed to develop disaggregated data focusing on the particular situation of Indigenous women. Indigenous women are also at high risk of rape and assault at the hands of those men who help them migrate north to the US. Violence against Indigenous LGBT persons continues as well, despite nine states having passed same-sex marriage laws and anti-hate laws since 2010.

Another source of deep concern is the rise in violence against human rights defenders, community communicators, and journalists across Mexico. Indigenous environmental defenders face violence on a regular basis, as do other activists and journalists who challenge cartels, police, paramilitary groups, or politicians on behalf of Indigenous Peoples. Although some protections for journalists and other communicators are in place, these have proven to be insufficient as death tolls continue to rise.

A selection of Cultural Survival’s recommendations include that the Mexican government:

Take steps to implement CEDAW’s General Recommendation 34 on the rights of rural women by create national legislation to ensure the Free, Prior and Informed Consent of Indigenous Peoples is obtained regarding any on their lands and territories.

Ensure that Indigenous women have access to linguistically and culturally appropriate health care, especially for gynecological, prenatal and antenatal care.

Ensure that services provided by the Federal Mechanism for the Protection of
Human Rights Defenders and Journalists are inclusive of and accessible by Indigenous journalists and community media practitioners in rural areas, and that this Mechanism receives sufficient funding to accomplish their mission of protecting journalists in danger.

Read the full report at: https://www.culturalsurvival.org/sites/default/files/CEDAW_Report_Mexico_2018.pdf

**Regional and Country CEDAW Reports**

Reports by the International Crisis Group (ICG) below are summaries of full reports that may be accessed at the indicated web site.

Jorge Barrera, "Promised Indigenous rights recognition legislation won't be in place before next election: Work will continue to develop rights framework, cabinet minister says," *CBC News*, November 14, 2018, https://www.cbc.ca/news/indigenous/fn-rights-framework-1.4905705?fbclid=IwAR3se5EP-O8jyeJpUuQgtsWe0y7ZfMs33f_5zh6q3WrAFv0hnN8c30u9Zmc, reported, "One of Prime Minister Justin Trudeau's key promises on Indigenous rights — delivered on Valentine's Day — won't come to pass before the next federal election, CBC News has learned."

"Ottawa was aiming to table the proposed legislation before Christmas in hopes of hitting its last window of opportunity to get it through the parliamentary process by late spring, ahead of next fall's federal election, but it has yet to develop a draft for the framework.

The proposed framework floundered from lack of support and confusion from many First Nations who expressed frustration with the process and a discussion paper released by Ottawa in September on the issue.

During a special Assembly of First Nations meeting that same month, First Nations leaders said the paper did not reflect their views expressed during meetings with federal officials."


Since then, a suite of legislation and policy has been rapidly deployed. It includes fiscal policy, omnibus legislation, changes in negotiations for land and self-government, and splitting Indigenous and Northern Affairs Canada (INAC) into two ministries. There is the establishment of the National Reconciliation Council, a Working Group of Ministers to Review Laws and Policies Related to Indigenous Peoples (also known as the Cabinet Committee to “Decolonizing” Canada’s Laws), and the Principles respecting the Government of Canada’s relationship with Indigenous peoples.

Yet, comprehensive analysis on the meaning and trajectory of Canada’s approach is scarce. Any efforts at long-term fundamental change and improvement to the living conditions of
Indigenous peoples in Canada are commendable and welcome. But the deeper institutional changes proposed merit caution.

In this report, we analyze the Liberal government’s impending changes to First Nation policy and legislation in relation to one another: as a set of pieces that together, comprise the background picture of Canada’s notion of ‘decolonization’

In order to assess these changes, we have created a baseline to determine the degree of change, for better or worse.

Specifically, we ask a number of related questions about the proposed Framework:

- Will the Rights Framework replace the Indian Act or simply offer an opt-out process?
- How are self-determination, self-government, and “reconstitution of nations” expressed in the Rights Framework?
- Will the Rights Framework lead to higher quality of life and alleviation of socio-economic challenges for First Nations?
- Has there been genuine engagement with the concept of free, prior and informed consent?
- How will the new Rights Framework affect pre-confederation, Numbered, and Modern Treaties?
- How does the new Rights Framework address lands and resources off-reserve (i.e. traditional territories or title lands)?
- Will the Rights Framework shift the burden of proof for proving title from Indigenous communities to Canada?

Our analysis reveals that the Rights Framework expresses a clear and coherent set of goals, which aim to suppress Indigenous self-determination within Canadian Confederation. These goals have been ordered into legislation and policy in a manner that guides First Nations towards a narrow model of “self-government” outside of the Indian Act. And remarkably, though labelled as new and transformational, the model reflects older and largely discredited approaches.

This report describes these apparent changes and offers analysis in three parts:

Part One: Relationship Reform

THE FIRST PART OF THIS REPORT analyzes the Rights Framework from a relational perspective, that is, how the machinery of government is changing to facilitate the new relationship.

We find the foundational Principles respecting the Government of Canada’s relationship with Indigenous peoples emphasize the supremacy of the Canadian constitutional framework and significantly constrain the possibilities for self-determination to move beyond the current circumstances. An analysis of the “Ten Principles” reveals that we can expect very little structural change in the existing relationship. If they form the basis for future negotiations, the Principles are a potential threat to Indigenous rights and title.

The nation-to-nation memorandum of understanding (MOU) between the Crown and the Assembly of First Nations (AFN) has resulted in significant confusion regarding the AFN’s role in nation-to-nation processes. Though the AFN insists this bilateral mechanism is not for 'decision-making,’ surveying the work completed after a year reveals decisions are being made, for example on the impending Languages Act, child welfare reform, fiscal relations and housing. This process largely excludes the individual First Nations, treaty organizations, and Indigenous nations from exercising political authority over their own people and lands. It seems that to Canada, the AFN is the other de facto “nation” in this new relationship.
Crucial issues must be addressed regarding the splitting of INAC into two discrete Ministries as well. These include problems that arise from attempting to extract issues of program and service delivery from issues of land. For First Nations to have a healthy economic base to be able to exercise full self-determination, the delivery of services must be linked to land rights.

Further, what are the legal and political implications of this new division? What fiduciary obligations is Canada bound by, and which ministry will dispense them, whether to Indian Act bands or self-governing First Nations?

Part Two: Policy Reform

THE SECOND PART OF THIS REPORT analyzes the Indigenous Rights Framework from a policy perspective. Here, we consider existing government literature and statements on “reconstituting nations.” With the new Rights Framework legislation, we can expect to see a certain model of “aggregation” framed as a movement away from the Indian Act. But this model of self-government is focused on entrenching a largely reserve-based, administrative governance model with improvements in service delivery, transparency and accountability. It includes nothing of the “transformational” change the government has promised and certainly no indications of jurisdiction over traditional territory.

This is reflected in the new fiscal relationship, which is focused on capacity-building and new ten year funding grants, but does not restructure the existing fiscal relationship to develop a strong economic base for First Nations. Within the new process, lands, territories, and resources outside the reserve are delinked from fiscal relations, except for any own-source-revenue (OSR) from resource extraction on traditional territories. This approach is premised on training First Nations to integrate into the market economy and further erodes federal fiduciary responsibility to First Nations.

Finally, the federal government has committed to 'replacing' the land claims policy in Canada and moving towards a flexible approach. A range of options are now being tested at over 60 'Rights and Recognition Tables,' and will likely set the preconditions for future negotiation and legislation. Since it has historically been the case, the government’s negotiating mandate will likely be narrower than the court’s interpretation of Aboriginal rights and title. For treaty bands, the “Rights and Recognition Tables” may be leading towards a domestication of their international treaties.

Part Three: Legislative Reform

THE LAST SECTION OF OUR REPORT is focused on the pending legislative reform introduced by the Liberal government. With nine pieces of legislation working through first or second reading and four more to come, this is one of the most active legislatures on Indigenous issues in 100 years.

These legislative changes are being informed by the Cabinet Committee to ‘Decolonize’ Canada’s Laws. Though the process has been taking place behind closed doors, two draft bills have been vetted, so we can partially discern the direction of “decolonization.”

In the section, Consent and the New Regulatory Regime, we examine Bill C-69, which reforms the environmental assessment legislation, and affects how First Nations consent, jurisdiction, and governance will be considered in this critical decision-making process. We have serious concerns about Bill C-69, and specifically, the lack of attention to First Nation demands for free, prior and informed consent on land and resource decisions in their territories. The draft legislation offers very limited recognition of Indigenous jurisdiction.
While there is also no mention of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in the draft version of Bill C-69, it is the focus of Bill C-262, the United Nations Declaration on the Rights of Indigenous Peoples Act, introduced as a private member’s bill by NDP MP Romeo Saganash. If Bill C-262 becomes law, it may force governments and courts to address UNDRIP’s Articles, though the legislation does leave space for mal-interpretation. At the least, it could offer a powerful tool to hold government accountable on efforts to harmonize federal law and policy with UNDRIP.

While all of the above can be considered ‘reconciliatory,’ there are some discrete changes focused explicitly on reconciliation, such as a new National Council for Reconciliation. And while the Truth and Reconciliation Commission (TRC) defined reconciliation broadly as restitution and the transformation of Canadian institutions, so we might have a future defined by dignity and respect, we have to strain to see those commitments from this government.

**Conclusion**

CONSIDERING THESE PARTS OF OUR REPORT collectively, we can say the following:

The Indian Act is on its way out; the land claims regime and self-government policies are being broken down and re-packaged; and changes to fiscal relations ultimately focus on accountability and avoid addressing questions of land and resources. Indeed, we find that nearly all of Canada’s proposed changes to its relationship with First Nation peoples neglect issues of land restitution and treaty obligations.

Instead, whether relational, policy or legislative reform, they focus on the creation of self-governing First Nations with administrative responsibility for service delivery on limited land bases. Decision-making powers are constrained to the local (including any notion of free, prior and informed consent). Provincial, territorial and federal governments will continue to patronize and intervene in the lives and lands of First Nation peoples.

All of this, despite Trudeau’s rhetoric on reconciliation, UNDRIP, the nation-to-nation relationship, or the commitment to “breathing life” into Section 35 of the Constitution. And while there are some welcome changes including resources for program and service delivery, there is also a clear attempt to maintain a modified version of the status quo, and as such, an effort to mislead First Nations on the transformational nature of these changes.

The danger of accepting government messaging, and the Rights Framework as currently articulated, is settling for a very narrow vision of Indigenous jurisdiction over lands, resources and self-determination generally.


Sandy Carpenter and Sam Adkins, "Bill Backing UNDRIP Heads to Senate, Moves One Step Closer to Becoming Law in Canada," Business Class, June 11, 2018, https://www.blakesbusinessclass.com/bill-backing-undrip-heads-senate-moves-one-step-closer-becoming-law-canada/, reported, "Bill C-262 recently passed third reading in the Canadian House of Commons and is now heading to the Senate. Bill C-262 looks to legally adopt UNDRIP. If passed, Canada will become one of only a small number of countries to adopt UNDRIP into its domestic law.

If Bill C-262 becomes law, it will officially be known as the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act).
WHAT DOES BILL C-262 DO?

Bill C-262 itself is short; although it attaches as a Schedule the full version of UNDRIP that was passed by the United Nations General Assembly in 2007.

Bill C-262 affirms UNDRIP as a universal international human rights instrument, with application in Canadian law. While the federal government previously promised to implement UNDRIP from a policy perspective, the UNDRIP Act is the first instrument to legally attempt to do so.

The Bill establishes legal mechanisms to achieve this purpose:

The federal government must, in consultation and cooperation with Indigenous peoples in Canada, take all measures necessary to ensure that Canadian laws are consistent with UNDRIP.

The federal government must develop and implement a national action plan to achieve the objectives of UNDRIP, again in consultation and cooperation with Indigenous peoples.

The Minister of Indian Affairs and Northern Development has to submit a report by May 31 of each year, until 2037, on the implementation of each of the legislative measures and national action plan required under Bill C-262.

From an interpretative perspective, Bill C-262 provides that nothing in the UNDRIP Act is to be interpreted as diminishing or extinguishing existing aboriginal rights that are protected under section 35 of Canada’s Constitution Act, 1982. It also provides that nothing in the UNDRIP Act is to be construed as delaying the application of UNDRIP in Canadian law.

WHAT’S MISSING?

The most significant thing missing is what UNDRIP means in a Canadian context. While much of UNDRIP isn’t controversial, there are provisions, such as those addressing “free, prior and informed consent”, where there are material disagreements over what UNDRIP means, and will require further guidance and clarification.”

"Another significant issue that Bill C-262 doesn’t address is timing. While Bill C-262 expressly acknowledges that implementation will take time, it doesn’t specify how long or establish any targets."

As of December 15, 2018 Bill C-262 still needed to be considered by the Senate.

"It should also be noted that Bill C-262 is only one part of a broader set of proposed legislative and policy changes related to UNDRIP in Canada. While the federal government has not fully articulated its plan for implementing UNDRIP, it has clearly articulated that it will take an incremental approach using a 'multiplicity of tools – including legislation, policy and agreements.'"


Indigenous people who rely on the NIHB Program say that it is often extremely hard just to find a dentist and that, when they are available, dentists often charge additional fees or ask people to pay up front. What’s more, *services that many insured Canadians take for granted are subject to an unpredictable process called 'predetermination': permission has to be received from Health Canada before treatment can go ahead.*

The predetermination requirement has caused people considerable distress. As the Assembly of First Nations (AFN) put it in 2005, “The current system of predetermination for many routine dental procedures causes a prolongation of illness, lacks in compassion and adds considerable cost to the program, particularly if clients have travelled long distances.” Predetermination means that people often need to make a second trip to the dentist — which is both frustrating for the dentist and inconvenient for the patient. The AFN reported that William Descalchuk, a First Nations man living in Alberta, complained that he had been waiting a month for approval to treat an infected molar and, due to ongoing pain, had resorted to extracting it himself.

It’s not just patients who have problems with the program. Service providers complain that the process for receiving payment and approval is much more onerous than with private insurance companies. *Some providers have opted out of the program*, which means that many patients have to pay directly for dental treatment. *Given the disproportionately low incomes of many First Nations and Inuit people, this makes it impossible for them to access care.* In Nunavut, the predetermination process has been found to act as a serious deterrent to service provision. But, given the difficulties in receiving approval, many dentists in Nunavut have done the work — only to be later denied compensation. In 2014, Peter Doig, president of the Canadian Dental Association, told Windspeaker magazine that the NIHB covered only 86 to 88 percent of treatment costs, meaning that dentists needed to either bill the patient for extra costs, lose money on doing the work or reject the patient. He asserted that many dentists would not take patients who were covered only by the NIHB.


The Indigenous Spiritual Lodge is a new addition to the existing spiritual facilities at the Saint-Jean Garrison, including the chapel used for Catholic and Protestant religious services and the multi-faith center used by members of other faith.

"Kinder Morgan Woes -Trudeau: First Nations have no veto power: Kinder Morgan Woes – Trudeau: First Nations have no veto power; Tribal opponents declare war," *ICT*, May 31, 2018, reported that as the Canadian government took steps to purchase the Kinder Morgan’s Trans Mountain pipeline from the Alberta oil sands to the Canada’s pacific coast, for $3.45 billion, several First Nations opposed the purchase of the Kinder Morgan pipeline. They also
rejected Prime Minister Trudeau’s claim that First Nations have no veto power over its passage through their lands.

"Landmark Treaty Case: Court finds Treaty provides right to revenue sharing," Arvey Finlay, LLP, December 26, 2018, reported, in Restoule v. Canada, "The Ontario Superior court has ruled that the Robinson Huron Treaty of 1850 provides treaty beneficiaries with a constitutionally protected right to share in the Crown revenues from the Treaty territory. This is an unprecedented ruling on an historic treaty." Justice Patricia Hennessy "held that the Treaty was not meant to be a one time transaction, but rather established a mutually beneficial and respectful ongoing relationship for the sharing of land and resources in the Territory. The Court held that the parties intended the sharing of net revenues to take place in a manner consistent with the Anishinabek principles of respect, responsibility, reciprocity and renewal.

The Court held that the Crown is obliged to increase the annuities payable under the Treaty when it can do so without incurring loss. The $4 annuity has not been increased for over a hundred years. Damages quantification will take place in a future phase of the trial."

The full opinion of the court is at: https://static1.squarespace.com/static/58619081f7c506e99486b12/t/5c23d5754fa51ae4760b5cd4/1545852286152/Reasons+for+Judgment+of+Hennessy+J_State+One+2018+12+21+2018+ONSC+7701.pdf.

British Columbia, in the summer of 2018, was working to establish a consent based approval process for setting up fish farms in First Nation territory, requiring the approval of the affected nation. Existing fish farms would be allowed to continue operating for four years, but then would need First Nation consent to continue ("Canada: British Columbia Fish Farms Will Require Indigenous Consent," Cultural Survival Quarterly, September 2018).

Kenneth Jackson and Paul Barnsley, "A deep look into the troubles within the Chiefs of Ontario," National News, August 27, 2018, https://aptnnews.ca/2018/08/27/a-deep-look-into-the-troubles-within-the-chiefs-of-ontario/, reports that during the term its previous Chief Operating Officer, "The Chiefs of Ontario (COO) racked up a deficit of more than $1.3 million in the last fiscal year that continues to grow each month by tens of thousands of dollars," while their were allegations of improper use of organization funds and complaints that the COO board of directors was largely inactive during the last term of office, until the financial issues came to light. The new Regional Chief, RoseAnne Archibald, elected in June, said, “The structure and the system is broken and it has to be fixed.” “I am known as a fixer, somebody that comes in and knows how to fix situations that are difficult.”


Indigenous filmmakers got a boost in 2018 with the creation of the Indigenous Screen Office, an organization helping Indigenous media makers develop their content.
The National Film Board is also doing its part, by allocating 15 per cent of production spending to Indigenous-directed projects and launching a massive free online library of more than 200 films by Indigenous directors.

“Indigenous Peoples Of Central America Demand Laws That Favor Community Broadcasting,” Cultural Survival, August 31, 2018, https://www.culturalsurvival.org/news/indigenous-peoples-central-america-demand-laws-favor-community-broadcasting, reported, “The Second Meeting of the Central American Indigenous Community Radio Network was held on August 8 and 9, 2018, in Panajachel, Guatemala, to commemorate the International Day of the World’s Indigenous Peoples. More than 60 representatives of community radio stations from Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and Panama met to exchange experiences about the advances and setbacks of community radio broadcasting, the rights of Indigenous Peoples to freedom of expression and access to their own media, the criminalization and imprisonment of community journalists in their countries, as well as to review and approve a regional strategic plan for the network.

Democracy demands equality of civil and political rights for all citizens. UNESCO has stated that radio frequencies are a shared heritage of humanity and state governments are required to grant and administer them equally, without discrimination. However, this requirement has not been met in several countries in the Central American region. Indigenous Peoples continue to be excluded and discriminated against when accessing radio frequencies, denying them the right to freedom of expression.

‘Information is power,’ said Eva Tecún, attorney at Tz’ununija’ (humming bird) Indigenous Women's Movement in Guatemala, ‘Community radio stations have questioned colonialism and at the same time have strengthened the identities, cultures, and the languages of Indigenous Peoples. Community stations have put forward the need and right for Indigenous community communication as a tool for Indigenous Peoples’ development, where conventionally, communication was seen as a field where only professional journalists could participate.’

Indigenous Peoples in communities around the world have recognized the importance of locally owned and run media as being crucial for self-determination, as well as a key tool to strengthen the use of Indigenous languages and other elements of their cultures. Indigenous communities in at least 81 countries have invested their own local resources to establish and maintain community-run media outlets. Many of these communities have chosen radio as the medium that makes the most sense for them. However, several nation states do not have the appropriate laws and regulations to give legal authorization to Indigenous community radio stations.

Responding to the need for solidarity and cooperation between Indigenous communities across international borders, in January 2016, 35 representatives from all seven Central American countries for the first time gathered in Nargana, Panama, hosted by the autonomous government of Guna Yala, to lay the groundwork for a regional alliance of Indigenous community radio stations. Indigenous radio stations face similar challenges regardless of what nation state encompasses their traditional territories. The representatives of the participating radio stations, along with several accompanying NGOs, including Cultural Survival, Fundacion Comunicandanos, AMARC, Voces Indigenas de Panama, and Asociacion Sobrevivencia Cultural, created a strategic framework and set of goals
for the network. The recent meeting in Panajachel is a significant step in the continued growth and consolidation of the network.

Since the establishment of the network, progress has been made in each of the seven countries. In Belize, where a single Indigenous station reaches the southern part of the country where most of the Indigenous population lives, a group of community journalists have been trained to report on Indigenous rights issues. In Honduras, 17 Indigenous radio stations have organized themselves into an Indigenous Radio Roundtable to work together on common issues. In El Salvador, communities have been in discussions with the government about opening up frequencies to Indigenous communities for the first time. In Panama, where the current law technically allows for Indigenous organizations to obtain a broadcast license, communities have been frustrated by bureaucratic obstructionism. Two Indigenous communities have done all the required preparations to obtain broadcast licenses, but have been rejected on technicalities. In protest, the autonomous Indigenous government of Guna Yala went on the air with an ‘experimental radio station’ for a few days last year and again this month. Many challenges still remain, however, hopeful examples of positive changes to obstructive broadcasting laws do exist. Mexico recently changed the broadcasting law to allow for Indigenous communities to obtain licenses.

‘What are the things that makes us different as Indigenous radio journalists?’ These were some of questions brought up by Socrates Vásquez, of Jenpoj Community Radio in Tlahuitoltepec, Oaxaca, Mexico. At the beginning of his remarks, he highlighted the struggle of Indigenous Peoples throughout history and how Indigenous communication is not only carried out between human beings but all living beings. In Mexico, at the beginning of 1960s, Indigenous People began to communicate through magazines, newspapers, and radio production centers. During the commemoration of the 500 years of invasion of America, among the demands was the right to autonomy and the means of communication. Later on, with the Zapatista uprising in 1994 and the signing of the San Andrés Peace Accords, the demand on communication was consolidated.

The same scenario has played out in several countries. Government and business have sought ways to keep Indigenous Peoples from their own means of communication and to protect their private communication enterprises. They argue that there are no frequencies available and that they have to get the usufructs through tenders. Instead of protecting the well-being of citizens, the governments have sided with communication monopolies promoting undemocratic laws, extending their usufruct indefinitely without taking into account Indigenous Peoples. This is a serious violation of freedom of expression and international human rights standards, such as the ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples, the American Declaration on the Rights of Indigenous Peoples.

At the meeting, the Regional Council of the Central American Community Radio Network developed a document outlining the challenges community radios face in the current contexts. Law and communications professionals were invited to weigh in regarding Guatemala and Mexico, including: Cristian Otzin of the Association of Mayan Lawyers of Guatemala; Eva Tecun, and Socrates Vásquez.

Cristian Otzin emphasized that the state of Guatemala is reluctant to democratize the radio spectrum because a privileged minority currently benefits, who label community stations as pirate and illegal, comparing them with organized crime. In 2011, a case was presented to the Constitutional Court, questioning the auction system, which is currently the only mechanism to acquire legal radio frequencies. The Court pressed the Congress in 2012 to pass a law respecting
Indigenous Peoples’ rights, which has not advanced in the legislative body. Parallel to these actions, the Public Ministry has misapplied criminal law statutes to justify raids against community radio stations and to silence the voices of the people by confiscating transmission equipment and imprisonment of community journalists.

The meeting showcased the reality of Indigenous Peoples of the region, which is why it is necessary to strengthen media and address exclusionary and discriminatory policies. The resulting strategic plan of the Network emphasizes the defense of freedom of expression and the promotion of national and international actions to demand responsible State legislation and public policies to democratize media in favor of Indigenous Peoples.”

“International Organizations Rally Behind Criminalized Indigenous Radio Journalist Oscar Mejía,” Cultural Survival, July 29, 2018, https://www.culturalsurvival.org/news/international-organizations-rally-behind-criminalized-indigenous-radio-journalist-oscar-mejia, reported, “The case of a Indigenous Guatemalan community radio host criminalized for his work is garnering international attention from a coalition of organizations working on freedom of expression, human rights, and Indigenous Peoples' rights. In September of 2015, Oscar Mejía (Maya K’iche) was detained during a raid at community radio station in Chichicastenango, Quiché, Guatemala. Radio Swan Tinamit, property of the community, promotes the use of the local Indigenous language, worldview, ancestral values, and identity, as well as local news, and events. It was raided, on orders of the Guatemalan Public Ministry, by 15 police officers who confiscated the broadcast equipment and arrested Oscar Mejía, whom they imprisoned for a week. Later, Public Ministry began a penal process, accusing him of theft.

A coalition of local, regional, and international organizations agree that the charges of the lower courts that found Mejía guilty in September 2016 represent an incorrect interpretation of the Guatemalan penal code. The crime of “radio frequency theft” does not exist in Guatemala.

Guatemalan organization Assocacion Sobrevivencia Cultural arranged for lawyer Cristian Otzin of the Association of Mayan Lawyers & Notaries to defend Mejía during his trial. The defense focuses on questioning the Public Ministry over it’s characterization of incident criminal, despite a lack of clear indication of such in Guatemala’s penal code. From Otzin’s perspective, “The State and the monopolies [are using the crime of theft as a strategy] because they know that the community communicators are becoming stronger and building, in many cases, the consciousness of the communities.”

After the sentencing, the defense filed a special appeal in the Regional Appeals Chamber of the Department of Quiché, but the appeal was denied. The Supreme Court of Justice then also denied the appeal. Arguing that Mejía’s right to due process was being violated, Otzin presented the appeal before the Constitutional Court, Guatemala’s highest appellate court.

On July 5, 2018, international and civil society organizations entered an Amicus Curiae to the Constitutional Court of Guatemala to provide technical and legal background to inform the magistrate's understanding of relevant domestic and international law that apply to this case.

The document’s objective is to highlight the legal frameworks that support Indigenous Peoples’ rights to freedom of expression, use of radio frequency, and due process. With this information, the coalition hopes to inform Guatemala’s Constitutional Court justices being asked to grant an appeal for the defense Óscar Mejía. The Amicus Curiae was a joint document developed by Cultural Survival along with the World Association of Community Radio Broadcasters (AMARC), Robert F. Kennedy Human Rights, the Indigenous Peoples Rights
Clinic Association of Suffolk University Law School, OBSERVACOM, Red Centroamericana de Radios Comunitarias Indígenas (Central American network of Indigenous Community Radio), Fundación Comunicándonos of El Salvador, and Voces Indígenas of Panama.

Radio Swan Tinamit in Chichicastenango has been in operation for over 10 years and is highly supported by its local Indigenous authorities. After the station was raided in May 2015, Cultural Survival’s Executive Director Suzanne Benally visited the station personally. Carolina Morales, director of the Association for Community Development (ASDECO), the institution that oversees the radio, welcomed Benally. “[Your visit] assures our radio volunteers that we are not alone. After the raid a few of our volunteers quit, fearing jail-time and public shaming. This visit shows us solidarity and gives us strength to continue our work,” Morales shared in 2015.”

Salma Al-Sulaiman, “Juana Ramírez Santiago Becomes 21st Human Rights Activist Killed In Guatemala,” Cultural Survival, October 10, 2018, https://www.culturalsurvival.org/news/juana-ramirez-santiago-becomes-21st-human-rights-activist-killed-guatemala, reported, “According to Guatemalan authorities, a 57 year-old Mayan lxil community leader and human rights defender, was shot dead on September 21, 2018, becoming the twenty first human rights activist to be assassinated in Guatemala this year. Juana Ramírez Santiago was walking in Q’ambalam, Nebaj Municipality, when a group of people attacked her. Neighbors state that they heard four shots being fired, before they found her lying on the street, by the time the ambulance arrived she had already passed away.

Santiago, a respected midwife in her community, was a founding member of the Network of Ixil Women, ‘an organization which provides psychological counseling, social help and birthing assistance to women in rural areas of Guatemala.’ Her position in the organization has made her a target, as she has previously filed a complaint to the Public Ministry regarding the threats made against her. Her murder comes shortly after the death of Juana Raymundo, a 25 year-old lxil nurse and a member of the Committee of Compasino Development, whose body was found tortured on July 28.

Human rights defender Jordan Rodas is demanding a full investigation on the killings, and greater government protection for activists in Guatemala. The mayor of Nebaj, Miguel de Leon, has also spoken about his outrage concerning the situation happening in his town, saying “Nebaj has turned violent, especially for social leaders. The murder of this leader shows that.”

The Human Rights Defenders of Guatemala Protection Unit (Udefegua) has recorded “135 aggressions, 13 murders and two attempted murders against activists between January 1 and June 8 of this year”

A recent report released by the United Nations, reveals that there has been a rise of instances of attacks against and criminalization of Indigenous human rights defenders. UN Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz was specifically “disturbed” by the situation in Guatemala. She registered that seven Indigenous leaders were slain shortly after her departure. They were killed at different locations by different means, some were shot and some were stabbed and mutilated by machetes. Those who were killed were all advocates fighting for the rights of their land and political participation. According to Tauli-Corpuz, the President of Guatemala has made it publicly clear that he does not support non-governmental organization and continues to aid the alienation of Indigenous Peoples.”

The United Nations High Commissioner for Human Rights, Prince Zeid Ra'ad Al Hussein, has urged Guatemala to respect Indigenous Peoples’ rights, especially their freedom of expression, in a letter dated the 13th of April, 2018. The letter follows on the heels of a review of Guatemala's human rights record carried out through the Universal Periodic Review (UPR). The UPR is a United Nations mechanism that allows member states to make recommendations to other states on how to improve human rights situations. It also allows states to report on their progress, along with other stakeholders like NGOs, civil society groups, and Indigenous Peoples.

Cultural Survival is one of many organizations that submit information and recommendations to the states being reviewed under the UPR. In 2017, Cultural Survival joined a coalition of grassroots and international organizations in submitting a UPR report on Guatemala, detailing its continued violations of Indigenous Peoples’ human rights and offering recommendations to improve the situation, with specific focus on freedom of expression, the safety of journalists, and the specific right of Indigenous Peoples to their own forms of media in their own languages. Indigenous communities across Guatemala have embraced that right through the use of community controlled local radio stations, but continue to face repression from the Guatemalan government for doing so.

The letter from the High Commissioner echoed these concerns, urging Guatemala to protect human rights defenders and journalists, who are at increasingly high risk of attack. As part of his recommendations for improving journalism and reigning in censorship, the High Commissioner urged the adoption of Bill 4087. Cultural Survival recommended that Guatemala ‘urgently approve Bill 4087, Ley de Medios de Comunicación Comunitaria’ as well, because the Bill authorizes one community radio station in each municipality. In fact, during the last visit of a UN High Commissioner for Human Rights to the country, in 2012, Cultural Survival staff-member, and member of the Mam Maya, Rosendo Pablo Ramirez presented an intervention on behalf of passing Bill 4087. It would be an important step for free speech because community radio is currently repressed in Guatemala. Community radio would allow Indigenous communities access to information that is important to them and available in their own languages. Without Bill 4087, community radio stations face government raids and shutdowns and the Indigenous operators of such radio stations face arrest.

Using the criminal justice system, such as raids and arrests, against journalists and human rights defenders is another common tactic employed by the Guatemalan state, one that the High Commissioner asks that Guatemala put an end to. He notes specifically that the criminal justice system is used to threaten those engaged in the defense ‘of indigenous people's rights, particularly in the context of hydroelectric and mining projects.’ He asks that all journalists who were arrested for their work be released, and that they be protected from future harassment.

The High Commissioner dedicated several recommendations to the human rights status of Indigenous Peoples. He urged that Guatemala work to oppose discrimination against Indigenous Peoples, particularly on a structural level where Indigenous people are systematically kept from exercising their rights. On a similar note, he pointed out the structural discrimination against Indigenous women in the form of continued disenfranchisement and lack of representation in government.

In particular, the High Commissioner stressed land rights and Indigenous People's right to ‘effective consultation processes’ in decisions regarding traditional lands. Once
again, his letter echoed Cultural Survival’s UPR report, but stopped short of demanding the Free, Prior Informed Consent of Indigenous Peoples be taken into account. Cultural Survivals recommendation to Guatemala urged the state to ‘implement a legislative framework for an appropriate and meaningful consultation procedure that will ensure genuine, Free, Prior and Informed Consent of Indigenous Peoples in land disputes.’ The High Commissioner suggested a legal framework to recognize Indigenous Peoples’ lands and to prevent land conflicts with farmers or interests in large scale economic projects."


Baltazar, a member of the grassroots organization known as the Movimiento Social of Santa Eulalia, has advocated for his community around the world, bringing attention to the violence, environmental harm, and displacement caused by energy and extraction projects taking place in Indigenous territory. At the United Nations Forum on Indigenous Issues in May 2013, he presented on the repression of peaceful protest in Huehuetenango. Baltazar met with civil society members and decision makers across Europe in 2014, calling for ‘a local development strategy more in tune with the needs of local communities in Guatemala and the natural world.’ Also in 2014, Baltazar was one of several community leaders who met with Guatemalan President Otto Perez Molina to discuss the extraction and energy projects taking place in Indigenous territory.

Alfredo Baltazar expresses his community’s deep connection to the land in the documentary ‘Territorio Q’anjob’al, vientre acosado’:
‘We have been taught that Mother Earth is our mother, and that she has veins, she has a womb...just as we are, so is she. When they destroy her, it is like they are destroying our own biological mother.’

According to anthropologist Lisa Maya Knauer, five other rights defenders were tried alongside Baltazar, being charged with crimes mostly stemming ‘from the movements in resistance to the proposed hydroelectric projects in Barillas, and the unjustified arrests of community leaders from the community of Ixquis (pronounced Eesh-ke-sees) in the municipality of San Mateo Ixtatan...’ Their trial was postponed for months, but hearings were finally held on July 31st. In each, ‘the Public Prosecutor asked the judge to nullify the arrest warrants since they could not find sufficient evidence that any specific individual had committed most of the alleged acts.’

The allegations against Baltazar and the five other rights defenders were found by Amnesty International to be, ‘based on testimonies that only confirm the presence of these human rights defenders at said demonstrations, as well as their roles as community leaders,’ and thus ‘insufficient evidence to substantiate the charges against them.’ The judges of the case reportedly expressed concern that the charges were ‘based on incorrect information or conduct that does not constitute a crime,’ and ‘reiterated all individuals’ rights to peacefully demonstrate, meet, and associate.’ The ruling also provided the guideline that
‘charges cannot be leveled against an individual solely based on their participation in a demonstration or their belonging to an organization.’

This case highlights the criminalization crisis rights defenders are facing in Guatemala. UDEPEGUA reports that in 2017, there were 166 cases of criminalization against human rights defenders, and from January 1st to June 8th of 2018, there were 76 cases of criminalization. These instances are especially prevalent in the state of Huehuetenango, bordering on Mexico, with 105 of the 493 acts of aggression against human rights defenders taking place in 2017 occurring in the department. Indigenous people are especially vulnerable; 2014 date from Global Witness documented eight times more Indigenous human rights and environmental defenders killed for their work than non-Indigenous defenders.

The murder of Baltazar’s good friend and fellow Q’anjobal activist, Daniel Pedro Mateo, in 2013 demonstrates the immediate threat that these development projects have on Indigenous communities. Pedro Mateo founded a community radio station and was, “a leader in the community resistance to mining and hydroelectric activities in Huehuetenango.” He worked to oppose hydroelectric, mining, and logging projects in the area and many in the community believe that he was targeted for his environmental activism.

The charges against Baltazar and the murder of Pedro Mateo are part of a wave of violence and criminalization stemming from the interests of hydroelectric companies in the region, including Hidro Santa Cruz and Hidro San Luis. The Guatemalan government often prioritizes the interests of these companies over those of the local community, leading to the criminalization of the community and protection of the corporations’ property. As grassroots activism is criminalized, Indigenous groups have found success in working to terminate international financing of these projects through appeals to the international community.

In Huehuetenango, there have been some successes for grassroots activism against criminalization. In 2016, seven Indigenous community leaders were released from prison, five of whom being acquitted of all charges. Two of these leaders, Rigoberto Juarez and Domingo Baltazar, were arrested without warrant or charges while trying to file reports of human rights violations to the Department of Public Ministry and the United Nations Commission for Human Rights. While their release provides some justice, the harm inflicted by two years of incarceration, separation from families, inability to provide for their families, and the removal from their community at a crucial moment of social organizing, was not addressed in the ruling. These leaders deserve compensation for the aggression acted upon them and their communities.

While Baltazar’s acquittal is a victory, the economic, social, and emotional harm done by the false accusations against him and others must be recognized and addressed by the Guatemalan criminal justice system and government.”

The Guatemalan Constitutional Court, in late fall 2018, up held a lower court decision suspending the operations at Tahoe Resources' Escobal Mine for failure to have the consent of the Xinka people, and for discrimination. The termination of company's license to mine in neighboring Juan Bosco was also upheld ("Guatemala: Highest Court Order's Suspension of Tahoe's Escobal Mine," Cultural Survival Quarterly, December 2018).

Indigenous peoples in Honduras were strongly opposed, in late fall 2018, to a proposed law that would allow the government to ignore the outcome of local consultations on proposed extraction. Numerous demonstrations were held by tribal people and supporters


The verdict, delivered by a panel of judges after a six-week trial in the Honduran capital, Tegucigalpa, ended a proceeding bitterly denounced by the family of the environmentalist, Berta Cáceres, and the organization that she led.

They criticized the prosecution for focusing its efforts on those believed to have carried out the crime, and disregarding evidence that could have implicated powerful business leaders in its planning.”

John McPhaul, “Costa Rica Cancels Diquís Hydro Project Opposed By Indigenous Peoples.” Cultural Survival, November 02, 2018; https://www.culturalsurvival.org/news/costa-rica-cancels-diquis-hydro-project-opposed-indigenous-peoples, reported, “On November 2, 2018, the Costa Rican Electricity Institute (ICE) announced the cancellation of the Diquís hydroelectric project in the South Pacific part of the country, after seven years of delays and paralysis during which the project was bitterly opposed by Indigenous communities who would have seen their land inundated by the planned reservoir. The hydroelectric project was to be the largest such project in Central America. The project’s reservoir would occupy 7363 hectares of land, 830 hectares of which are Indigenous territories, and displace over 1600 people.

The now unsuccessful initiative in Buenos Aires, Puntarenas, was ruled out after analyzing a drop in national energy consumption and an installed electrical capacity sufficient to meet the demand of coming year, according to the daily La Nación.

The 631 megawatt project, which would provide electricity to 1 million consumers included the installation of a reservoir that would inundate ten percent of Kichá territory (104 hectares) and eight percent of Terraba lands (726 hectares), according to the Costa Rican Ombudsman's Office.

The decision was confirmed at a press conference by the executive president of ICE, Irene Cañas, who announced a series of adjustments such as this to improve the financial conditions of the entity.

According to Cañas, the cancellation of Diquís also suspends the consultation with Indigenous Peoples of the area and the withdrawal of the project from the National Environmental Technical Secretariat.

In addition, the conclusion of the environmental feasibility study of the project is suspended and relations with communities of direct influence and regional institutions involved are terminated.

As late as June 2017, ICE defended the construction of the hydroelectric plant, scheduled for 2024, as it argued that it was necessary to satisfy an increase in demand and to create a poll of development in an economically depressed area.
Over six years, the Institute invested $146 million (around $2.5 million) in the project and these costs will not be transferred to rates, according to Cañas. This money was already spent by the entity and this affects their finances.

The ICE announcements came after years without a press conference on accountability and transparency. Cañas said that during his time at the Institute, public updates on the situation of the Institute will continue.”

John McPhaul, "Costa Rica Names Indigenous Ambassador to Bolivia," Cultural Survival, December 5, 2018, https://www.culturalsurvival.org/sites/default/files/styles/max_2600x2600/public/IMG_3003%20%281%29.JPG?itok=fzSLpPSC reported, "The Costa Rican government in mid November 2018 named Guillermo Rodríguez Romero, a Bribri attorney from the Talamanca village of Suretka, as ambassador to Bolivia. Rodríguez, the first of three Indigenous Costa Ricans who have joined the ranks of Costa Rica's attorneys, speaks both Spanish and Bribri and has 40 years of experience defending the rights of Indigenous Peoples. Rodríguez has distinguished himself especially in promoting the creation of a department of Indigenous education within the Department of Education.

About his work, Rodríguez, soft spoken -- a characteristic of his people -- says he has been working on concrete proposals, not just theoretical projects, “I have been working a lot on the true organization of the struggle of Indigenous Peoples at the national level. On concrete proposals, for example in the case of education, improvement of negotiations, and in health services.”

Rodríguez is also working on proposals to better manage Costa Rica’s many protected areas in regions where Indigenous communities live, to improve the lives of these communities. 'I have also been working hard on the legal aspects reforming legal instruments and the application of Costa Rican laws,' he says. 'Likewise, in the field of education, I worked with Indigenous partners on curricula and pedagogical proposals so that the true management of these protected areas also include improving the living conditions of local communities while better protecting these areas. The basic national curriculum has to be culturally sensitive and incorporate Indigenous languages so that they do not lose their cultural identities.'

Costa Rica’s Indigenous population numbers around 106,000 people divided into eight language groups. With the exception of the Chorotega in the northern Province of Guanacaste, who are related to the Nahual-speaking Indigenous groups of Central America, Costa Rica's Indigenous Peoples are related to the Chibcha civilization from Colombia and northern South America. “It is important that content is incorporated into the national curriculum so that the Costa Ricans are more aware about the country’s Indigenous cultures and we can work to eliminate barriers of exclusion and discrimination that we have historically suffered,” he stated. Living far distances from social services, Costa Rica’s Indigenous people rank consistently at the bottom of the country’s economic and social indicators.

Rodríguez has also promoted the regulation of tourism on Indigenous lands, initiatives of forest regulation and matters of co-administration of protected areas near Indigenous territories.

To Rodríguez, being named as Ambassador to Bolivia is a recognition of the contributions Indigenous Peoples have made to Costa Rica and fulfills the promise of President Carlos Alvarado to diversify government. 'This idea comes from the presidency and the Madame Foreign Minister of the Republic [Epsy Campbell] in the framework of the inclusion policy that
the government has undertaken,' said Rodríguez. 'I was designated with this opportunity, something that makes me very happy because it is an affirmative action in favor of the rights of Indigenous Peoples. This action implements the reforms to the first article of the constitution and is an affirmative action in relation to the international accords that the government has signed committed to Indigenous rights. It seems to be a supremely affirmative action. But it is also very important in the country because it begins to mark a new policy of inclusion of Indigenous Peoples.'

A father of three girls and two boys, Rodríguez, 60, also served as an adviser of Indigenous Education; president of the Bribri Territory Development Association; president and founder of COODEBRIWAK—an association defending Indigenous rights; and a municipality representative for the Talamanca county. He studied at the Universidad Autonoma de Centro America (UNCA) and later completed his degree with a major in registry and notarial law at the Universidad Libre de Derecho 'Now I am finishing a specialization in agrarian and environmental law in the faculty of law at the University of Costa Rica. I will finish this year,' Rodríguez says.

Rodríguez said his appointment to Bolivia is particularly significant given that Bolivia is led by an Indigenous president, Evo Morales. 'We have much to share,' said Rodríguez, 'relations between Costa Rica and Bolivia are cordial and harmonious now and the idea is to strengthen them even more.'

‘Every day, communities are being invaded... They fence off lands and begin farming and ranching. This affects more than 3000 Indigenous families, their personal safety, their territorial integrity and their cultural unity…’

On Friday, October 5, the Inter-American Commission on Human Rights (IACHR) held a public hearing on the theme of collective land titling in Panama. It was attended by civil society organizations representing the Emberá, Wounaan, Guna, Buglé, Ngäbe, Naso and Bribri Indigenous Peoples.

Membache, the Cacique General of the Congreso General de Tierras Colectivas Emberá y Wounaan of Panama (General Congress of Emberá and Wounaan Collective lands of Panama) – an organization representing traditional Emberá and Wounaan lands outside of Panama’s Comarcas (semi-autonomous Indigenous territories) – told the commission that his people have been campaigning for collective titles for a generation.

He said that delays in the titling process had resulted in the ‘invasion’ of settlers on their lands, which include ecologically sensitive areas of primary rainforests in the frontier zone of Darién in eastern Panama. Maps compiled by the New York-based environmental NGO Rainforest Foundation revealed the shocking extent of deforestation in parts of the region from 2001 to 2016.
Deforestation timeline around the community of Arimae. Courtesy Rainforest Foundation

The titling process is currently stalled because, according to Panama’s Ministry of Environment, Emberá and Wounaan traditional lands fall within protected areas such as the Darién National Park. Membache called the situation “absurd.”

Membache also suggested that the State was fueling land grabs by encouraging Indigenous inhabitants to obtain individual titles to their lands – an approach that undermines communal ownership and opens the region to private acquisition.

‘Even more serious is the fact that the government is promoting individual land titling within our communities,’ he said, ‘which makes it easier for our brothers to sell their lands… [Furthermore] the government is pressuring us to reach agreements with the invading settlers. When we reach agreements they provide titling to the settlers, but not to our communities.’

In fact, a handful of Emberá and Wounaan communities have received collective titles since 2012, including Puerto Lara, Arimae and Caña Blanca. Three more were green lit in 2018, but only after Wounaan activists staged a two-day protest at government buildings. According to Membache, the titles cover approximately 11 per cent of their ancestral territory.

Meanwhile, Adolfo Villagra described development plans for the Río Teribe area of Bocas del Toro in western Panama as “the nail in the coffin” for the 3000-strong Naso people.

Known as Tjër Di (Grandmother Water) in the Naso language, the Teribe river is the central axis of Naso society, a source of spiritual and material sustenance for generations of Naso. The Indigenous communities living on its banks have been campaigning for collective land rights for more than four decades.

‘We have exhausted all necessary recourses,’ said Villagra. ‘We’ve held marches and walks and we’ve presented petitions to the national assembly.’

In fact, Naso ancestral lands are somewhat extensive. They encompass pristine rainforests and partly fall within two protected areas: the Bosque Protector Palo Seco and the Parque Internacional Amistad.
Despite the protected status of these areas, the Panamanian state has commissioned divisive and ecologically destructive hydroelectric projects on tributaries of the Teribe. These include Bonyic dam, a 32.64 MW gravity dam owned by Hidroécología Teribe and Empresas Públicas de Medellín, and a project currently known as Teribe 500, which has been slated in Panama’s national expansion plan.

Representing the Ngäbe and Buglé people of western and central Panama, Feliciano Santos of the Movimiento por la Defensa de los Territorios y Ecosistemas de Bocas del Toro (MODETEAB, Movement for the Defense of the Territories and Ecosystems of Bocas del Toro) said that mining continued to pose a significant threat to Indigenous lands.

‘Panama is not implementing collective rights laws and this is leaving thousands of Indigenous peoples in a defenseless position, given the advance of non-Indigenous peoples for extraction activities,’ he said. ‘They have been attacking our lands for these extractive activities.’ In fact, the Panamanian government’s ‘Atlantic Conquest’ development plan includes several new mines in traditional Ngäbe and Buglé lands, as well as a new coastal highway, hydroelectric plants and various tourism projects.

Santos also complained of extremely long procedural delays. For example, communities within so-called ‘áreas anexas’ (areas annexed to the Comarca Ngäbe-Bugle, but not yet legally included within it) have been waiting 19 years for the promised demarcation of their boundaries. Two hydroelectric projects, Chan 75 and Barro Blanco have since been built inside áreas anexas without the free, informed and prior consent of the Indigenous people living there.

Héctor Huertas, a Guna lawyer from the Corporación de Abogados Indígenas de Panamá (CAIP, Indigenous Lawyers Corporation of Panama) criticized the implementation of Collective Lands Law 72 (2008), which provides the framework for collective land titling outside of the Comarca system.

‘One of the first actions of the government was to diminish its legal obligations [and] to adopt decree 223, which regulates law 72 without the participation of Indigenous communities,’ said Huertas. ‘It imposes impossible additional requirements for us to be able to access… [our] lands… [Decree 223] has actually perverted the nature of the law, and it is quite an onerous and bureaucratic process for the Indigenous communities…’

Executive Decree 223 (2010) requires the Environment Ministry to approve Indigenous land titles, which it has not been doing because it says that nationally protected lands cannot be titled. However, Huertas called the pretext false.

‘The state says that there are constitutional, legal and international commitments that have prevented them from doing this because they must protect the forests and they are providing false arguments that are discriminatory and have no legal basis,’ said Huertas.

‘All protective areas in Panama have statutes that recognize the right of property… [and] Inter-American jurisdiction has set the precedent that Indigenous and ancestral possession is the same as a land title, and is compatible with Indigenous property rights in these areas, even though these areas are biological and conservation areas…’

Huertas said that there was no legal provision preventing the recognition of collective land rights in protected areas. He also claimed that the State had shifted responsibility for demarcating Indigenous lands to the Indigenous communities themselves, and that the results were often unsatisfactory to the government.

‘Every time a map is presented to the Ministry of Environment or other authorities they say the coordinates are not correct. They look for some excuse,’” he told the commission. “‘Now the ministry… is demanding we submit a digital map…’

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In response, the State of Panama objected to the claim that it had delayed the implementation of collective land titling laws.

‘The Panamanian state affirms its commitment to protecting human rights in general and to guaranteeing its commitment to collective land rights, to a healthy environment, to access to water, to sources of food and Indigenous traditions,’ said Gina López Candanedo, director of the Ministry of Foreign Affairs.

After describing the various legal and administrative measures adopted by the State with respect to Indigenous rights and collective land titling, she concluded: ‘It is clear that the state has not delayed in implementing [the law]… The government has progressively strengthened its international framework.’

Likewise, Omar Espinoza of the National Geographic Institute insisted that the government was committed to fulfilling its legal obligations towards Panama’s Indigenous Peoples.

‘[The State] has centralized Indigenous land titling to speed up the process and to provide greater efficacy for these procedures and to guarantee international standards in favor of the petitioners and Indigenous Peoples,” he said. “The state’s activities aim to strengthen the dialogue with these people and to provide for the territorial integrity of these Indigenous Peoples.’

Jorge Garcia, chief of biodiversity at the Ministry of Environment described the titling process as ‘interagency in nature’. He said that further technical investigations were being carried out in Darién in accordance with a roadmap agreed during a roundtable mediated by a human rights ombudsman.

However, the IACHR commissioners did not appear to be entirely convinced by the State’s declarations.

‘It is not enough to have mechanisms,’ said Antonia Urrejola, the Special Rapporteur for Indigenous Peoples. ‘It is not enough to have laws recognizing established or statutory mechanisms… for the delimitation and demarcation of lands. It is fundamental that these mechanisms be adequate in keeping with the uses, customs and customary law of the peoples, but above all else that they be effective…’

In addition to questioning the efficacy of the State’s collective titling mechanisms, Urrejola wanted to know if there was a willingness on the part of the state to include Indigenous Peoples in the management of protected areas.

‘It is very feasible to establish protected areas under the administration of Indigenous Peoples,’ she said.

She also wanted to know if protected areas in Panama could be mined, since the petitioners had indicated that collective land titling was being withheld to provide resources to extractive industries.

Commissioner Flavia Piovesan, the rapporteur for Panama echoed the sentiment that Indigenous stakeholders could feasibly administrate protected areas. She also asked for more details regarding the legal requirements for prior impact studies for development projects.

Commissioner Soledad Garcia Muñoz, the Special Rapporteur on Economic, Social, Cultural and Environmental Rights called the Indigenous Peoples “the great guardians of the land” and asked if there were any special measures to analyze the contributions of Indigenous people in protecting nature. She also asked about the State’s work on business and human rights, and whether legislation was being designed to ensure water security.
Finally, Assistant Executive Secretary Claudia Pulido wanted to know more about the attributes of collective property, and to what extent collective property rights were assured. The State thanked the commission and committed to answering its questions in a final report, to be submitted at a later date.

Commenting on the hearing, Joshua Lichtenstein, the Rainforest Foundation’s Panama Program Manager told IC that collective titling in Panama was contingent on political will.

‘Today Indigenous leaders were able to bring the Government of Panama to the IACHR to answer questions about why the titling of Indigenous collective lands has been stopped by the Ministry of Environment,’ he said.

‘The government did not have very good answers for that, and in fact admitted there were no real legal barriers. So the problem is political, and constitutes an ongoing serious violation of human rights. The IACHR offered their assistance to the government to help resolve the problem, an offer we hope the government will accept.’

Ostensibly, the government does appear to be willing to find a resolution.

‘[The state] will accept any recommendation of the commission in order to protect these extensive [Indigenous] rights,” said Candanedo, before stressing the governments “openness and willingness to continue working with Indigenous people on land titling.’

However, it remains to be seen whether the State of Panama is genuinely committed to Indigenous rights, or whether it is merely paying lip service to its international obligations.

After hearing powerful testimonies from the Indigenous petitioners, the commission pressed the Panamanian State on the efficacy of its collective titling procedures, as well as its apparent reluctance to include Indigenous Peoples in the stewardship of nationally designated protected areas.”

Nicholas Casey, “Peacetime Spells Death for Colombia’s Activists,” The New York Times, October 13, 2018, https://www.nytimes.com/2018/10/13/world/americas/colombia-farc-government-war.html?ref=collection%2Fissuecollection%2Ftoday=new-york-times&action=click&contentCollection=todays-paper&region=rank&module=package&version=highlights&contentPlacement=9&pgtype=collection, reported, “Colombia’s government officially declared an end to more than five decades of civil war in 2016, when it signed a peace deal with the country’s largest rebel group, the Revolutionary Armed Forces of Colombia, FARC. Within a year, the homicide rate fell to its lowest level since 1975, a remarkable turnaround for a country where a half-century of conflict had taken at least 200,000 lives.

But a chilling aspect of the bloodshed isn’t falling: Killings of the nation’s activists, including union organizers, local councilmen, indigenous leaders and environmentalists who are under vigorous attack across the country.

If anything, the killings appear to be on the rise in peacetime.”

public after the burning of a Kankurwa (ceremonial house) in Atanquez, in events that took place on the night of October 18, 2018:

‘The oral history that survives in our memory and territory says that the first Kankurwas of the Kankuamo people were burned down in the year of 1691, under the pretext that these houses were used to worship the devil and perform profane rites. From that moment began a series of systematic events with the purpose of exterminating our people through the destruction of symbols representative of identity and community building.

Our Kankurwas were left by the Father and Mother creators to build and strengthen the world, fulfilling the spiritual, material and community order; in them we talk and listen to the advice on how we should live, but above all this space is destined to transmit the ancestral knowledge for future generations.

Understood not only as constructions of wood, straw, stone and mud, the Kankurwas for us the indigenous people of the Sierra Nevada de Santa Marta are Mamos and Sagas who teach their children how to live and care for the world. For that reason when burning them a simple house is not burned, it is eliminated in the most violent way to a grandfather or grandmother whose only crime is to teach to live in harmony with nature and the universe.

Through many means and in different epochs of the colonial history of the country, people external to our town and territory managed to make us ashamed of our origin. Thanks to that shame imposed, many Kankuamos we weakened in the fulfillment of the mission and vision bequeathed from our origin. Other Kankuamos sought strategies to practice our traditions in a hidden way until the time came to return to the public to be Kankuamo. We returned to build our Kankurwas as places to be a community and to continue fulfilling the mandate to take care of life and sacred territory.

We are aware that by returning to our path of being Kankuamo we have affected many interests of those who saw and still see our communities as an electoral stronghold where with many empty words they made promises to gain our votes. Those external interests when displaced by our organization resumed old practices that were effective many years ago.

In the memory of many older people there is still the memory of people who came to our communities saying: ‘You are not Indians anymore, you are civilized and to be more civilized you have to change your roofed houses with straw and mud for zinc and cement’ These expressions were penetrating in the mind of our people and in many communities of our shelter where a life of distress begins. Today, we are facing the fourth attack on our ceremonial houses; the first one is presented in the kankurwa of Chemesquemena, the second in La Mina, then those of Guatapurí and now the kankurwa of Atánquez.

Thinking about these facts, although we do not rule out that the hands that have burned down our ceremonial houses are of people living in our communities, however we are sure that behind such actions are actors with obscure economic and political interests who are still determined to erase us as an Indigenous Peoples and stop our organizational process and cultural strengthening, to take over our lands, continue to loot and exploit our territory and resources, without anyone obstructing them. For them we have a powerful message: we will look for them until we find them, and we warn them that Mother Nature, sooner or later, in their persons and in their families, will serve justice for the offense.

As authorities, we call on our people to support the reconstruction of Atánquez's Kankurwa, as well as reconstructing those of Chemesquemena, Guatapurí and La Mina. To the people and institutions that have expressed their solidarity we thank them and tell them that as children of the Sierra Nevada de Gonavindwa here we will continue, fulfilling the responsibility
entrusted and reconstructing again and again what is necessary to continue being what we are: INDIGENAS KANKUAMOS: A Temple Town and strengthening the fence to contribute to the defense and protection of the heart of the World.

Finally, we demand an immediate institutional response to these events, therefore, we request the National Government and the Control Bodies to hold a high-level meeting, in the shortest time possible and in coordination with us, to define actions that will allow us to advance in the investigation and punishment of those responsible for these criminal acts and in the adoption of protection measures and effective guarantees of our rights.’

The burning of the Kankurwa house occurred during the night when members of the community meet in La Mina to discuss the establishment of a community security council. Sadly, this is not the first of such incidents, in the past years there have been burnings of Kankurwa houses in three other communities (Chemsquemena, Guatapurí and La Mina) which all sit between the mountains of the Sierra Nevada de Santa Marta in the northern part of Colombia near the Caribbean coast.

The Sierra Nevada de Santa Marta is one of the biodiverse areas of Colombia with its thunderous mountains layered with pristine forests and over 160 billion years of granite formation. The abundance of wealth in the land makes it a target for mega project development. Historically, the Kankuamo people are still recovering from a 20-year civil war that occurred during the late 1980’s to 2003, were over 450 Kankuamos were murdered, over 300 children became fatherless, and more than 400 families were violently displaced.

In the late 1980’s after the establishment of the reservation there was negligence from the Colombian state which made the community vulnerable to an invasion and illegal occupation from armed paramilitary groups and left wing guerrillas seeking control over their territory, which perpetrated the narcotic trades in the area, and contributed to a civil war dispute over land. The Kankuamo people were severely impacted by the conflict, facing displacement, assassinations, massacres, forced disappearances, terror, and forced military recruitment. Many of their sacred sites were lost and huge part of the ecosystem was destroyed. This fragmented their traditional practices, ancestral knowledge, and oral histories. Face with the decline of their culture, the Kankuamo Indigenous Organization was established in 1993 in Atánquez. For over 25 years, youth have been raised under the guidance and knowledge of the Kankuamo Organization to revitalize their culture. This has caused many tensions and indifference within the community from those who seek cultural reconnection and those who seek extermination.

‘The Kankurwa is the backbone for Indigenous people as it is a space not only of ceremony and communication but a universal opening to connect with the creator. A ceremonial epicenter where the contact of the divine with the matter or physical body represents each of those that congregate and gives shape to the cultural structure of our people’s vision with the strength of the Mother Earth that transcends the history of humanity. Consequently, we conceive its destruction as a culturecide against humanity, not only against a group of people but against the spirituality of our people,’ said Souldes Enrique Maestre Montero (Kankuama), co-founder of the first public library in Atánquez.

The construction of Kankurwa homes has been one of the stepping stones in revitalizing their culture. Radio has also been an invaluable tool, an asset in producing, recording, and informing communities members about land rights, environmental protection, Indigenous rights, and cultural retention. The first ever community radio station went on air in 2006. It was given the name Tayrona Stereo in honor of the Kogi people who reside near the Tayrona National Park and are one of the last remaining descendants of the Inca and Aztec.
Nixon Aria Martínez, co-founder of Tayrona Stereo, expressed great concern: ‘It is not that they just burnt a regular house, they burnt a whole thought that is embodied by justice, peace, harmony. They burnt it all’

The gravity of this vicious act has greatly despaired local youth as well those who found the Kankurwa as a place of common ground, where they experienced many profound moments of unlocking stories of their ancestors. It was a place of remembering. The construction of a Kankurwa was a way of engaging the youth in the community. The first one was built in Guatapuri, then in Chemesquemenia, following La Mina and then Atánquez. Days after the arson the Youth Commission of Atánquez gathered and collectively released a statement:

‘Today, we feel pain to see the burned walls of our Kakurwa because it was a space where again and again we found our being of Kankuamo. We will not despair and will continue to rebuild. Today, we burned our grandfathers, tomorrow we will heal them by rebuilding them. And why will we rebuild them? Because we were born with them and they are part of us and we are of it. We thank our parents for giving us back the spirit of being Kankuamos. We will do what is necessary to preserve it with pride and greatness.’

Colombia's Constitutional Court ruled, October 11, 2018, that local referenda cannot stop extractive projects, violating the principle of consultation ("Colombia: Court Rules Community Referendums Cannot Stop Extractive Projects," Cultural Survival Quarterly, September 2018).

In southern Venezuela there have been serious developments that impact Indigenous people in the region. ICG, Bram Ebus, Consultant, “A Rising Tide of Murder in Venezuela’s Mineral-rich South,” Q&A / Latin America & Caribbean 12 November 2018, https://www.crisisgroup.org/latin-america-caribbean/andes/venezuela/rising-tide-murder-venezuelas-mineral-rich-south?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=17a804cb8d-EMAIL_CAMPAIGN_2018_11_12_09_15&utm_medium=email&utm_term=0_1dab8c11ea-17a804cb8d-359871089, “Dead bodies are appearing across the Orinoco river basin of southern Venezuela. In this Q&AA,Crisis Group consultant Bram Ebus explains how the killings are linked by jostling among criminals, guerrillas and soldiers for mineral wealth amid the country’s wider socio-economic meltdown.

What happened?
A spate of mass killings in southern Venezuela is stirring international concern as the country’s political and economic crisis continues to drive a migrant exodus. On 14 October, at least seven miners were murdered in clashes between non-state armed factions near Tumeremo, Bolívar state, toward the Guyana border. Three weeks later, on 4 November, guerrillas of Colombia’s National Liberation Army (ELN) ambushed a troop of Venezuelan National Guardsmen, killing three and wounding ten, near the town of Puerto Ayacucho, capital of Amazonas state, close to the Colombia border. These attacks came in retaliation for the guard’s arrest of an ELN commander Luis Felipe Ortega Bernal, also known as Garganta (Throat). The two incidents added to a growing number of violent deaths across the country’s vast “mining arc”, a 122,000-sq km area in the southern watershed of the Orinoco river.
Though the Bolívar and Amazonas killings took place hundreds of kilometres apart, many Venezuelans see them as connected, given that both events occurred in areas exposed to intensive mining, legal and illegal. The deaths raise pressing questions as to the effects of Venezuela’s overall socio-economic disintegration on the sparsely populated but mineral-rich south. They also highlight the ELN guerrillas’ growing presence in these regions at a time when their peace talks with the Colombian government are at an impasse. Colombia’s new president, Iván Duque, put the already faltering negotiations with the guerrillas, estimated to have almost 2,000 fighters in Colombia, on hold soon after assuming office in August.

What is at stake in southern Venezuela?
Venezuela sits atop one of the biggest (though as yet uncertified) gold deposits in the world. There are also promising reserves of coltan and diamonds, among other scarce minerals. As a forthcoming Crisis Group report will show, the country’s economic meltdown has led various armed actors, both state and non-state, to loot its natural resources, spurred by the desperation of impoverished Venezuelans who see little option but to head south and join the pillage.

In 2016, President Nicolás Maduro signed a decree purporting to create a legal framework for mining in Bolívar state (Venezuelan law prohibits mining in Amazonas state), with the aim of establishing a modern, sustainable extractive industry. In reality, no experienced companies work in Bolívar or anywhere in the mining arc. The corporations and state companies that operate in Bolívar get most of their minerals from mines controlled by local gangs or ELN fighters. Dissident former members of the Revolutionary Armed Forces of Colombia (FARC), who oppose the peace agreement that movement signed in 2016 with the Colombian government, are involved in illegal mining operations in Amazonas.

Why does this matter?
Venezuela is in the grip of one of the world’s sharpest economic contractions, marked by hyper-inflation and scarcity of basis goods. Its citizens are leaving in massive numbers – some three million since 2015, according to the International Organization of Migration. Emigration into Colombia, along with ideological differences and the Maduro government’s authoritarian turn, has put Bogotá and Caracas at loggerheads. Armed group activity in southern Venezuela, especially involving irregulars crossing borders, is liable to stoke those tensions.

Many sources say ELN guerrillas have taken over a significant number of mines controlled by Venezuelan crime syndicates in 2018. Battles for control have left a trail of bodies across the mining arc. Many killings – even massacres – go unreported because most occur in remote places, often inhabited by indigenous peoples, with haphazard or non-existent transport and telephone connections. These people fear speaking to outsiders, even when relatives go missing.

What is the Venezuelan government’s role in this violence?
A new governor in Bolívar state since October 2017 is reportedly allied to the crime syndicates, while his predecessor allegedly had relations with different criminal groups (neither has responded to such allegations). In Caracas, meanwhile, two government factions are believed to be competing for control of mineral reserves. One faction, including members of the National Guard, reportedly works alongside crime syndicates for personal enrichment. The other, comprised of parts of the military apparatus, appears set on running the
mines in alliance with the ELN so as to invest the profits in the survival of the chavista government.

The latter’s objectives would appear to include the use of experienced guerrillas as a strategic line of defence close to the Colombian border in the event of foreign military intervention in Venezuela, a prospect mooted by leading U.S. and Latin American figures in recent months. Officially, the Venezuelan Defence Ministry denies that ELN guerrillas are present in the country, blaming right-wing Colombian paramilitaries for the 4 November killings in Amazonas. But the Colombian Ministry of Foreign Affairs sent out a communiqué on 5 November in which they condemned the killings and recognised Luis Ortega, who was arrested along with eight colleagues by the Venezuelan National Guard and is now held in a military jail near Caracas, as a senior ELN commander.

**How have other countries reacted to the killings?**

Bordering countries have shown the most alarm. Guyana and Colombia have reinforced the troops stationed at their respective borders with Venezuela, according to sources in both countries’ armed forces, largely out of concern over expanding mining-related violence.

**As part of its sanctions on the Venezuelan government, the U.S. announced via an executive order on 1 November that it will target gold exports, which it believes are being used to enrich Venezuela’s political and economic elite at the cost of increasing violence and human rights abuses in the country’s south.** On 24 October, Marshall Billingslea, assistant secretary for terrorist financing at the Treasury Department, accused Maduro of “looting” his country’s gold supply, naming the export of 21 tonnes of the precious metal to Turkey as an example. He added that “[t]his gold is being removed from the country without any of the customary safeguards that would ensure the funds are accounted for and properly catalogued as belonging to the Venezuelan people”. The executive order forbids commerce with those who “operate in the gold sector of the Venezuelan economy”. This measure could have pernicious side effects, however, by forcing greater quantities of gold into contraband routes, thus boosting the revenues of organised crime and armed non-state actors.

Alternatively, **under existing U.S. and forthcoming European Union (EU) legislation, Washington and Brussels could classify Venezuelan gold and coltan as conflict minerals.** These laws urge companies throughout the value chain to obtain minerals from conflict-free suppliers, a provision that could stop Venezuela from selling its gold and coltan abroad unless exporters clean up their act. The fact that the Venezuelan mineral trade is associated with massacres, money laundering, sexual violence and groups included on the U.S. and EU terrorist lists could justify application of these laws, but it is hard to say whether or not this measure would also boost smuggling networks.

**What are the likely scenarios over the coming months?**

An increase in bloodshed in southern Venezuela remains highly likely, at least until one group consolidates power in the region. The competition between factions within the state could easily have a multiplier effect on attacks. Continued clashes among Venezuelan state forces, Venezuelan crime syndicates and Colombian armed groups are also likely to displace locals, perhaps across the border into Colombia. The people of southern Venezuela need urgent humanitarian assistance, particularly health care, as mining operations ravage the land that normally sustains them.”

**In Bolivia, President Evo Morales, the first Indigenous President of his country, is losing Indigenous support.** There are two causes. First, his running for a fourth term violates
Indigenous democratic principles in Bolivia that leadership must rotate, a leader only serving once. This is especially a concern now that he is seeking a fourth term. After he failed to obtain approval in a referendum to remove a constitutional two term limit on the Presidency, Morales pressured the court into allowing it. Second, Morales also is proposing oil and gas drilling in protected areas, and the building of hydroelectric dams. These proposals directly threaten Indigenous people, as well as generally violating their values (Nicholas Casey, “In Bolivia, Morales’s Indigenous Base Backtracks on Support,” The New York Times, December 8, 2018, https://www.nytimes.com/2018/12/08/world/americas/bolivia-evo-reelection.html).

Ernesto Londoño, "As Brazil’s Far Right Leader Threatens the Amazon, One Tribe Pushes Back: 'Where there is indigenous land,' newly elected President Jair Bolsonaro has said, 'there is wealth underneath it.'" The New York Times, November 10, 2018, https://www.nytimes.com/2018/11/10/world/americas/brazil-indigenous-mining-bolsonaro.html, reported, that Indigenous people in Brazil’s Amazon have increasingly been fighting back against illegal mining and lumbering. "The showdown was a small part of an existential struggle indigenous communities are waging across Brazil. But the battle goes far beyond their individual survival, striking at the fate of the Amazon and its pivotal role in climate change.

In recent years, the Brazilian government has sharply cut spending on indigenous communities, while lawmakers have pushed for regulatory changes championed by industries seeking unfettered access to parts of the Amazon that have been protected under the nation’s constitution.

Now, Brazil has elected a new far-right president, Jair Bolsonaro, who favors abolishing protected indigenous lands. He has promised to scale back enforcement of environmental laws, calling them an impediment to economic growth, and has made his intentions for the Amazon clear."

Invasion and destruction of Indigenous lands for illegal mining, and deforestation for lumber, farms and ranches have long been a serious problem in Brazil, and there has been much Indigenous resistance. In some cases, some of the local Indigenous people have made accommodations with illegal miners, allowing them to stay and dig in return for some benefits from the miners. But the cost of the destruction on site, and spreading pollution, has been extremely high for the forest peoples. Meanwhile the overall impact has been disastrous, including 91,890 square miles of forest being cleared from 2016.

The election of President Bolsonaro is greatly worsening the situation, as he has been encouraging development that is destructive to the land and forest, while denying that Indigenous peoples have any rights. Indigenous people have been quite aware of the political change. The coordinator of Brazil’s Association of Indigenous Peoples, Dinamá Tuxá, has stated “He represents an institutionalization of genocide in Brazil.” "Experts say the rate of deforestation in the Amazon, which soaks up enormous amounts of the world’s carbon dioxide, makes it nearly certain that Brazil will miss some of the climate change mitigation goals it set in 2009, when it presented itself as an exemplar of sustainable development at a United Nations summit.

The trendline has led federal prosecutors and environmentalists to say that the Amazon is on the brink of irreversible damage, potentially leading to the extinction of indigenous communities that have weathered centuries of calamities." While protests and other actions are taking place at the national level, there have been local actions against illegal intrusions into, and destruction of, Indigenous lands as well. For
example along the Tapajos River, many of the Munduruku have moved to throw the miners out. But an attempt to do so had to be given up as the miners were armed.

To the extent they still can, officers from environmental agencies, have continued to arrest miner and destroy their camp. This is difficult, because there are thousands of miners spread widely across vast areas. They can usually flee before a raid arrives at their camp, and the authorities are few and underfunded. That situation is worsening as the new administration, even more than its predecessor, is cutting environmental and federal budgets and staff, while reducing prosecutions and fines.

"Indigenous Environmental Defender killed as logging mafia targets tribe," Survival International, August 15, 2018, "https://survivalinternational.org/news/11989," reported, "A leader of an Amazon tribe acclaimed for its environmental defenders has been killed, the latest in a series of deaths among the tribe.

The body of Jorginho Guajajara was found near a river in the Brazilian state of Maranhão. He was a leader of the Guajajara people, acclaimed internationally for their work as the ‘Guardians of the Amazon’ in the most threatened region in the entire Amazon.

It is not yet clear who killed him, but a powerful logging mafia has repeatedly targeted the tribe for its work protecting both its rainforest home, and the uncontacted members of a neighboring tribe, the Awá, who also live there, and face catastrophe unless their land is protected.

Jorginho Guajajara’s body was found near a river in the eastern Brazilian Amazon.

Confronted with official inaction, the tribe formed an environmental protection team named the Guardians of the Amazon to expel the loggers. Some estimates suggest up to 80 members of the tribe have been killed since 2000.

The murder of Jorginho Guajajara is further indication of the increasing volatility in this area. In May this year, a team from Ibama (Brazil’s environmental protection agency) and environmental military police were dispatched to the Guajajara’s Arariboia reserve, a rare move from the authorities.

The Guajajara say: 'Our uncontacted Awá relatives cannot survive if their forest is destroyed. As long as we live, we will fight for the uncontacted Indians, for all of us, and for nature.'

Survival International has protested to the Brazilian authorities about the wave of violence against the Guajajara, which has gone almost entirely unpunished. Survival International Director Stephen Corry said today: “The Guardians of the Amazon face an urgent humanitarian crisis, and are fighting for their very survival. This small tribe of Amazon Indians are confronting an aggressive, powerful and armed logging mafia with close ties to local and national politicians. And they’re paying with their lives for standing up to them. They urgently need public support to make sure they survive.”

Senior Survival staff have visited the tribe, and are available for interview.

Note to Editors: Guajajara people who found the body report to Survival that the neck was broken and almost detached from the body, in a location where the bodies of other Guajajara people killed in a similar way by loggers have been dumped. The Guajajara have reported the murder to the authorities and demanded an inquest.

The Guardians of the Amazon
The “Guardians of the Amazon” are men from the Guajajara tribe in Brazil’s Maranhão state who have taken it upon themselves to protect what remains of this eastern edge of the Amazon rainforest.

- They want to save the land for the hundreds of Guajajara families who call it home, and their far less numerous neighbors: the uncontacted Awá Indians.

- The Guardians say of their work: 'We patrol, we find the loggers, we destroy their equipment and we send them away. We’ve stopped many loggers. It’s working.'
- The Guardians recently released video and images of a rare encounter with the uncontacted Awá living in Arariboia. Watch the footage here.
- You can see videos of several of the Guardians talking about their work on Survival’s Tribal Voice site.

Arariboia
- The Arariboia indigenous territory comprises a unique biome in the transition area between the savannah and the Amazon rainforest.

- There are species here not found elsewhere in the Amazon.
- The land inside the indigenous territory is under threat from illegal loggers.
- Brutal cuts in government funding to its indigenous affairs department FUNAI and tribal land protection mean the dangers are now even greater, as the area is not properly monitored or defended by the authorities.
- A powerful and violent logging mafia operates in the region, supported by some local politicians.


The devastating outbreak has the potential to kill hundreds of tribespeople unless emergency action is taken.

The Yanomami communities where the outbreak has occurred are some of the most isolated in the Amazon.

But thousands of gold miners have invaded the region, and they are a likely source of the epidemic. Despite repeated warnings, the authorities have taken little effective action to remove them.

In Brazil, at least 23 Indians have visited a hospital, but most of those affected are far from medical care.

Survival International is calling for authorities in Venezuela to provide immediate medical assistance to these remote communities.

Survival’s Director Stephen Corry said today: 'When tribal people experience common diseases like measles or flu which they’ve never known before many of them die, and whole populations can be wiped out. These tribes are the most vulnerable peoples on the planet. Urgent medical care is the only thing standing between these communities and utter devastation.'

The Venezuelan NGO Wataniba has released further details on the outbreak at: http://www.wataniba.org/el-pueblo-yanomami-amenasado-por-brote-de-sarampion/ (in Spanish)."
Ernesto Londoño, "Tribe’s Lone Survivor Glimpsed in Amazon Jungle, Healthy and at Work," The New York Times, July 20, 2018, https://www.nytimes.com/2018/07/20/world/americas/tribe-survivor-amazon-video.html?ref=collection%2Fissuecollection%2Ftodays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=6&pgtype=collection, reported, "The last survivor of an isolated tribe in the Brazilian Amazon, monitored and assisted from afar by the government for decades, looks healthy in a rare new video released this week, which shows him swinging an ax at a tree. Anthropologists say the man, who is believed to be in his 50s, has lived on his own in the jungle in Rondônia State since other members of his tribe died in the 1990s, probably killed by ranchers.

He has become a symbol of the resilience of the more than 100 isolated communities estimated to survive in remote parts of Brazil, under pressure as farmers, miners and loggers push further into the Amazon jungle.

A provincial court in Ecuador, on October 22, 2018, ruled for the Kofan people, as the court charged the government for not consulting with the Kofan on a mining operation, and found that the mine violated the rights of the water, food and a healthy environment, in the course of canceling 52 mining concessions."Ecuador: Historic Legal Victory for Kofan People," Cultural Survival Quarterly, December, 2018.

"Outrage at Prince William's "racist" conservation video," Survival International, October 11, 2018, https://survivalinternational.org/news/12022, reported, "A video about Prince William’s recent conservation trip to Africa has been criticised for only including non-Africans’ perspectives on conservation and promoting a 'white saviour' stereotype.

Dr. Mordecai Ogada, Kenyan ecologist & author of The Big Conservation Lie, said today:

'This is a diagram of the new British Colonial paradigm. The kingdom of “conservation”. This is the only arena where the heir to the Throne can go around touring the colonies, and telling his subjects how they should be taking care of their own resources.

'HRH Prince William should not pontificate to us about wildlife trade while the UK is the world’s number one trader in ivory. Kenya banned ivory trade a full forty years before the UK. The Duke is most welcome to come visit as a tourist, but he should kindly let us conserve what is ours in the way that suits us best.”

The video was released on Twitter on October 11, 2018 by Kensington Palace [and is available at: https://twitter.com/KensingtonRoyal/status/1050344510671265792].

Only one black person is shown speaking to camera in the film. While all the other contributors share their expertise on conservation, her contribution in the video relates only to the Prince’s leadership abilities.

The people interviewed in the video are:

Charlie Mayhew, CEO of Tusk, who comments on tackling the illegal wildlife trade and later also on Tusk’s work in Africa.

Dr Naomi Doak, Head of Conservation Programmes at The Royal Foundation, who discusses engaging the private sector in conservation efforts and later on how important the Prince’s contribution is to the people he met on his visit.
Dr Antony Lynam, Regional Training Director at SMART for the Wildlife Conservation Society, who talks about the Prince’s support for the use of SMART technology for conservation.

Finally, Patricia Kayaga, the only black interviewee featured in the video, is a student at the College of African Wildlife Management, which the Prince visited on his tour.

Charles Nsonkali, a representative of a Baka indigenous community organization in Cameroon, earlier released an open letter to Prince William and Prince Harry which said: 'Conservationists seem to think that outsiders are the only people who want to look after nature and can do it effectively but this makes no sense to me.'

Survival International has been highlighting the covert racism endemic in big conservation in an intensive social media campaign over several weeks in the run up to the Illegal Wildlife Trade Conference, taking place 11th-12th October in London. Its video comparing conservation to colonialism was released this week.

Survival International Director Stephen Corry said today:
'It’s hard to think of a more extreme example of the 'white saviour' mentality than this video. It amounts to racist propaganda in its promotion of white people as the saviours of Africa. Non-Africans are presented in the film as the real experts on conservation, while the locals are not seen as having anything worthwhile to contribute other than their grateful thanks. The attitudes behind it are chronically outdated, and will destroy conservation if they don’t change; it is the local people who understand their environment and its wildlife better than anybody else and the conservation movement should not only listen to them, but take its lead from them.'


Charles writes that eco-guards patrolling the protected conservation zones in central Africa “torture Baka people here and make their lives hell. They strip Baka naked and beat them, they humiliate them, forcing them to crawl on all fours and destroy their camps and possessions.”

The guards are funded, trained and supported by western conservation organizations including the Wildlife Conservation Society (WCS) and the World Wildlife Fund (WWF).

Baka people from south-eastern Cameroon tell Survival International about their horrific experiences with eco-guards.

Survival International, the global movement for tribal peoples, has released the letter to coincide with the Illegal Wildlife Trade Conference (IWT), which the princes will be attending, taking place in London 11th-12th October.

Princes William and Harry are Ambassadors for United for Wildlife, a partnership of conservation organizations including both WWF and WCS. Their father, Prince Charles, is President of WWF UK.

As well as the violence suffered by Baka communities, the letter highlights the deliberate yet counter-productive exclusion of indigenous peoples from conservation.
efforts, despite the fact that they understand their environment and its wildlife better than anyone else. Charles writes:

Conservationists seem to think that outsiders are the only people who want to look after nature and can do it effectively but this makes no sense to me…Who wants to look after nature more than the people who call it home and depend on it for their survival? Who understands how to care for nature more than someone who has walked through the forest every day of their lives and knows every plant, every tree, every creature? Work with them, not against them!"

Survival International has been campaigning against the abuses committed by conservation against indigenous people for more than thirty years. Survival’s Director Stephen Corry said today:

‘There is a worrying sense that some conservationists consider the lives of indigenous people a price worth paying to protect wildlife. However, we trust that their Royal Highnesses the Dukes of Cambridge and Sussex are as outraged by these atrocities as we are, and we hope they will speak out against the violence being committed in conservation’s name. If the conservation industry persists in robbing indigenous people of their land and persecuting them, it will not survive.’”


By some estimates the clashes have taken more than 500 lives this year.

In recent days, at least 86 people were killed in several villages in Plateau State in the middle of the country, among the deadliest of the episodes.

On Friday and Saturday night dozens of suspected armed herders, who are Muslim and of the Fulani ethnicity, descended from surrounding hills into several villages, opening fire, burning homes and shooting to death some people, most of them Christian and of the Berom ethnicity, as they slept.

The killings immediately triggered reprisals as young people from the villages set up road blocks and killed anyone suspected of being Muslim and Fulani. One police commissioner in the area said at least five people died at checkpoints."

The long conflict over land in the middle belt of Nigeria has worsened as the population has soared, making land scarce. Farmers, including the Berom, have increasingly spread on to herdgers grazing land, including that of the Fulani, of which there is already not enough with the population growth.

Conflict in Nigeria between Christian farmers and Fulani, Muslim, herdiers, has been increasing. In the first half of 2018, an estimated 1,300 people were killed. That is six times the number who died in the same period in the war with the Islamist extremist group Boko Haram. The violence has forced some 300,000 people from their homes. The conflict has arisen from a huge increase in population in the region leading to conflicts over land, while extreme weather from climate change has exacerbated the problem. The Nigerian army has


What’s new? Violence between Nigerian herders and farmers has escalated, killing more than 1,300 people since January 2018. The conflict has evolved from spontaneous reactions to provocations and now to deadlier planned attacks, particularly in Benue, Plateau, Adamawa, Nasarawa and Taraba states.

Why did it happen? Three factors have aggravated this decades-long conflict arising from environmental degradation in the far north and encroachment upon grazing grounds in the Middle Belt: militia attacks; the poor government response to distress calls and failure to punish past perpetrators; and new laws banning open grazing in Benue and Taraba states.

Why does it matter? The farmer-herder conflict has become Nigeria’s gravest security challenge, now claiming far more lives than the Boko Haram insurgency. It has displaced hundreds of thousands and sharpened ethnic, regional and religious polarisation. It threatens to become even deadlier and could affect forthcoming elections and undermine national stability.

What should be done? The federal government should better protect both herders and farmers, prosecute attackers, and carry out its National Livestock Transformation Plan. State governments should roll out open grazing bans in phases. Communal leaders should advocate for accountability and support livestock sector reform.

Executive Summary

In the first half of 2018, more than 1,300 Nigerians have died in violence involving herders and farmers. What were once spontaneous attacks have become premeditated scorched-earth campaigns in which marauders often take villages by surprise at night. Now claiming about six times more civilian lives than the Boko Haram insurgency, the conflict poses a grave threat to the country’s stability and unity, and it could affect the 2019 general elections. The federal government has taken welcome but insufficient steps to halt the killings. Its immediate priorities should be to deploy more security units to vulnerable areas; prosecute perpetrators of violence; disarm ethnic militias and local vigilantes; and begin executing long-
term plans for comprehensive livestock sector reform. The Benue state government should freeze enforcement of its law banning open grazing, review that law’s provisions and encourage a phased transition to ranching.

The conflict is fundamentally a land-use contest between farmers and herders across the country’s Middle Belt. It has taken on dangerous religious and ethnic dimensions, however, because most of the herders are from the traditionally nomadic and Muslim Fulani who make up about 90 per cent of Nigeria’s pastoralists, while most of the farmers are Christians of various ethnicities. Since the violence escalated in January 2018, an estimated 300,000 people have fled their homes. Large-scale displacement and insecurity in parts of Adamawa, Benue, Nasarawa, Plateau and Taraba states hinder farming as well as herding and drive up food prices. The violence exacts a heavy burden on the military, police and other security services, distracting them from other important missions, such as countering the Boko Haram insurgency.

The conflict’s roots lie in climate-induced degradation of pasture and increasing violence in the country’s far north, which have forced herders south; the expansion of farms and settlements that swallow up grazing reserves and block traditional migration routes; and the damage to farmers’ crops wrought by herders’ indiscriminate grazing. But three immediate factors explain the 2018 escalation. First is the rapid growth of ethnic militias, such as those of the Bachama and Fulani in Adamawa state, bearing illegally acquired weapons. Second is the failure of the federal government to prosecute past perpetrators or heed early warnings of impending attacks. Third is the introduction in November 2017 of anti-grazing laws vehemently opposed by herders in Benue and Taraba states, and the resultant exodus of herders and cattle, largely into neighbouring Nasarawa and, to a lesser degree, Adamawa, sparking clashes with farmers in those states.

As the killings persist, Nigerians are weaving destructive conspiracy theories to explain the conflict. Charges and counter-charges fly of ethnic cleansing and even genocide – by both farmers and herders. In Benue state, once part of Nigeria’s northern region, herders’ attacks have deepened anger, particularly but not only among farmers, at the Fulani who are spread across the north. Widespread disenchantment with President Muhammadu Buhari – who is viewed outside the north as soft on the herders – could hurt his, and the ruling party’s, chances in the February 2019 elections.

The federal government has taken measures to stop the bloodshed. It has deployed additional police and army units, and launched two military operations to curb violence in six states – Exercise Cat Race, which ran from 15 February to 31 March, and subsequently Operation Whirl Stroke, which is still ongoing. Even with these deployments, however, killings continue. President Buhari and other senior officials have consulted with herder and farmer leaders, as well as relevant state governments, to discuss ways to halt the attacks. As a long-term solution, the government has proposed establishing “cattle colonies”, which would set aside land for herders across the country, and more recently unveiled a National Livestock Transformation Plan (2018-2027). These measures signal greater commitment on the government’s part, but they are yet to be implemented and the violence continues.

President Buhari’s administration needs to do more. Crisis Group’s September 2017 report, which analysed the roots of the conflict, laid out detailed recommendations for resolving it. These remain largely valid. This report focuses on immediate priorities – tasks the federal and state authorities, as well as community leaders and Nigeria’s international partners, must
urgently undertake to stop the escalation spinning out of control. In this light, the Nigerian government should:

**Bolster security for farmers and herders:** The federal government should deploy more police in affected areas; ensure they are better equipped; improve local ties to gather better intelligence; and respond speedily to early warnings and distress calls. In addition, it should begin to disarm armed groups, including ethnic militias and vigilantes in the affected states, and closely watch land borders to curb the inflow of firearms.

**End impunity:** The federal government also should order the investigation of all recent major incidents of farmer-herder violence. It may need to expedite the trials of individuals or organisations found to have participated, sponsored or been complicit in violence.

**Elaborate the new National Livestock Transformation Plan and commence implementation:** The federal government should publicise details of its National Livestock Transformation Plan, encourage buy-in by herders and state governments, and move quickly to put the plan into effect in consenting states.

**Freeze enforcement of and reform state anti-grazing legislation:** The Benue state government should freeze enforcement of its law banning open grazing, as Taraba state has already done, and amend objectionable provisions therein. It should also help herders become ranchers, including by developing pilot or demonstration ranches, and conducting education programs for herders uneasy about making the transition.

**Encourage herder-farmer dialogues and support local peace initiatives:** Federal and state governments should foster dialogue between herders and farmers, by strengthening mechanisms already existing at state and local levels, and particularly by supporting peace initiatives at the local level.

For their part, herder leaders, many of whom recognise that pastoralists will have to move, even if gradually, toward ranching, should exercise restraint. They should challenge legislation they dislike in court; urge members, in the meantime, to abide by laws and court decisions; and encourage herders to take opportunities to move from open grazing to ranching. All communal leaders – religious, regional and ethnic – should denounce violence unequivocally and step up support for local dialogue. Nigeria’s international partners should nudge Buhari to act more swiftly to end the killings. Human rights groups should speak out more loudly against atrocities. Aid organisations should devote resources to internally displaced persons (IDPs) in Benue, Nasarawa and Plateau states, with special attention to women and children, who constitute the majority of the displaced. International development agencies should work with Nigerian authorities to offer technical support for livestock sector reform.


“A local police commissioner said that 22 people were arrested in the clashes last week between two communities in the Kasuwan Magani area of Kaduna state, in north-central Nigeria.”

Experts believe it is drying up largely because of the Gibe III dam, which lies upstream in Ethiopia and was completed in 2016.

For the eight different tribes of Ethiopia’s Omo valley region, the Gibe III dam and related sugar plantations project have already proved devastating. The dam has enabled local authorities to syphon off water from the Omo river to irrigate vast sugar plantations. Forcibly evicted from their land, many of the country’s tribespeople have lost not only their homes but an entire way of life. The dam has ended the natural flood they depended on for flood retreat agriculture as well as depriving them of access to the river for fishing and for growing their crops.

Survival has received disturbing reports that tribal peoples are suffering from hunger and continue to suffer abuse and harassment if they speak out about the situation. Many communities are under pressure to relocate to government villages, a policy that most oppose.

The dam is also causing problems for the thousands of tribal peoples in northern Kenya who live around Lake Turkana and who fish its waters for their livelihood.

According to Ikal Ang’elei, director of the NGO Friends of Lake Turkana which has campaigned for years against the Gibe III dam: 'The lives of local communities now hang in the balance given that their main sources of livelihood are facing extinction. This decision by the UNESCO World Heritage Committee should serve as a notice to Ethiopia to cancel any further dams planned on the Omo River.'

As early as 2010, one such expert predicted that the dam would reduce the lake’s inflow by some 50% and would cause the lake’s depth to drop to a mere 10 meters. 'The result could be another Aral Sea disaster in the making,' he warned.

The World Heritage Centre Committee now recognises that the dam has led to 'overall rapid decline in water levels' and has meant that seasonal fluctuations have been 'heavily disrupted'. As a result, the Committee agrees that "the disruption of the natural flooding regime is likely to have a negative impact on the fish population in Lake Turkana, which may in turn affect the balance of the ecosystem, the livelihoods of the local fishing communities and the floodplains, which support herbivore species.”

UNESCO’s decision follows several years of lobbying by indigenous and international organizations.

The Omo Valley tribes did not give their free, prior and informed consent to the Gibe III dam project, a fact that Survival International highlighted in its submission to the African Commission on Human and Peoples’ Rights.

Despite the mounting evidence of the serious impacts of Gibe III on tribal peoples in Ethiopia and Kenya, the Ethiopian government is currently building another dam on the Omo river called Koysha, or Gibe 4."

"Fulani and Dogon communities from Koro sign a peace agreement in the Mopti region of Mali," Cenere for Humanitarian Dialogue, August 29, 2018, http://secure.campaigner.com/csb/Public/show/dyz-si8bv--i2x9k-7fh5qj61, reported, "Fulani
and Dogon communities from the area ('circle') of Koro in Mali signed an intercommunal peace agreement on 28 August 2018 in Sevare, in the region of Mopti, thereby putting an end to more than a year of conflict between both communities.

The peace agreement is the result of a three-month long mediation process led by the Centre for Humanitarian Dialogue (HD) in the area ('circle') of Koro located in the region of Mopti. The accord was signed by 30 Dogon and Fulani village leaders from the municipalities of the area affected by the conflict.

Through this agreement, both communities have committed to:

- Jointly denouncing any act of violence committed by one of their community members in the future;
- Referring any threats or attacks to the relevant military authorities, as well as urging all armed groups to cease confrontation;
- Raising young people’s and opinion leaders’ awareness to encourage them to commit to peace;
- Prioritizing the use of traditional mediation mechanisms to prevent and manage their disputes;
- Joining forces to ensure peaceful access to natural resources;
- Respecting the habits and customs of each community;
- Jointly mobilizing state authorities to support their reconciliation efforts.

This agreement puts an end to more than a year of confrontations linked, in particular, to accessing natural resources in the region.

The mediation of the peace agreement was preceded by months of consultations undertaken by HD with all communities affected by the conflict. These consultations aimed to ensure the relevance of the agreement for the communities, as well as their involvement in its future implementation.

HD has also strengthened the scope of the peace process by facilitating a complementary dialogue process with armed groups circulating within the region of Mopti. These groups were consulted at every stage of the peace process, including during the negotiation of the peace agreement itself. Malian authorities were also kept closely informed of HD’s mediation efforts.

'This peace agreement represents an important steps towards reducing the violence which has deeply affected the area of Koro and the two communities over the past year,' said Abdelkader Sidibé, HD’s Head of Mission for the Sahel region. 'The next steps, which will in particular include providing the communities with access to basic social services, but also the lifting of embargoes and checkpoints, and the return of internally displaced people, will also be crucial in contributing to a return to stability in the region.'

In the current volatile regional context, HD will also assist the Agreement’s Monitoring Committee which comprises representatives from both communities, and was set up during the signing of the accord to support its implementation.

The Agreement signed on 28 August 2018 falls within HD’s broader mediation efforts (which have been ongoing since 2017) undertaken on behalf of the national authorities of Mali, Burkina Faso and Niger with communities living in the border regions of the three states. These efforts seek to pacify the region.

The organisation would like to express its gratitude to Canada for its support to HD’s activities in the region since 2017."
ICG, "Helping the Burundian People Cope with the Economic Crisis," Report 264 / Africa 31 August 2018, https://www.crisisgroup.org/africa/central-africa/burundi/264-soutenir-la-population-burundaise-face-la-crise-economique?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=e901e9fcb5-EMAIL_CAMPAIGN_2018_08_31_08_51&utm_medium=email&utm_term=0_1dab8c11ea-c901e9fcb5-359871089, commented, "Burundi’s worsening economy threatens to incite further violence in an already unstable country. The European Union and its member states, who have suspended direct aid to the government, must redouble efforts to ensure that their support benefits the Burundian people.

What’s happening? In the wake of the political and security crisis ongoing in Burundi since 2015, the economy has suffered a sharp decline. The economic and social progress achieved since the end of the civil war in the 2000s risks being swept away. Burundians’ living conditions and access to services are deteriorating.

Why does it matter? Worsening unemployment and poverty increase the likelihood of instability and exacerbate the risk of violence, while the “yes” vote in Burundi’s 17 May 2018 constitutional referendum could lead to the demise of Hutu-Tutsi power-sharing agreements in public institutions.

What should be done? The European Union and its member states, who suspended direct aid to the government, should step up their assistance to the population, including by strengthening the capabilities of their partners in the non-governmental sector, while minimising risks that external aid aggravates local conflict dynamics.

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If the “yes” vote in Burundi’s 17 May 2018 constitutional referendum has deepened the country’s political and security crisis, its economic woes also increase risks of violence. With an economy in recession since 2015, Burundians’ living conditions and access to services are deteriorating. Worsening unemployment and poverty, combined with the potential demise of power sharing between Hutu and Tutsi in public institutions, make instability in the medium to long term likely. The European Union (EU) and its member states, who have suspended direct aid to the government, should nonetheless step up their support to Burundi’s people by increasing aid for basic services, strengthening the non-governmental organisations (NGOs) through which they channel aid, while doing everything possible to ensure that their aid does not aggravate conflict dynamics, especially at the local level.

With donor support, Burundi had been making modest economic and social progress since the end of the civil war in the 2000s. But its current economic woes cast a shadow over this progress. The annual growth rate has fallen from an average of 4.2 per cent between 2004 and 2014 to −3.9 per cent in 2015 and −0.6 per cent in 2016. People across society are paying the price. Farmers and traders are struggling because internal demand for their products has declined; civil servants’ purchasing power has fallen; and shopkeepers report giving ever more customers credit. Many Burundians must find a second job, indulge in petty corruption or eliminate non-essential spending to survive. A decade of progress in health and education has been swept away. Many doctors have left the country. Teachers are often paid in arrears. University education is under threat as student grants are cut.

Following consultations under Article 96 of the Cotonou Agreement, which provides for the suspension or change in terms of EU aid if one of the parties does not respect human rights,
democratic principles and the rule of law, the EU and its member states – until then Burundi’s main donors – withdrew direct budgetary support in 2016. They also redirected aid from Burundian ministries to international NGOs, UN agencies and member states’ development arms. Some European donors now work directly with local NGOs or plan to do so, though many of the latter have limited capacity and are under close government scrutiny. In early 2018, the EU decided to reduce its overall aid to Burundi, though basic sectors (including health, education and access to water) still receive funds.

In contrast, the World Bank and the African Development Bank continue to provide budgetary support and work with ministries. The Burundian government has established new partnerships with China, Turkey and Russia. But these countries’ aid remains largely symbolic, does not aim to strengthen government capacities and has limited impact on the population.

The government blames speculators and donors for its own economic mismanagement and is clamping down on signs of protest. Desperate to increase state revenue, it has introduced new taxes and obligatory public “contributions”, forcing civil servants and ordinary Burundians to donate extra money to state coffers. Under government pressure, banks that are partly state owned have made loans to the government, putting their solvency at risk. With no resolution of the country’s political crisis in sight, the population is slipping deeper into poverty. The gloomy prospects for development, collapse of social services, rising unemployment and deepening repression have pushed many young Burundians into exile.

Burundi’s European partners have only limited room for manoeuvre. In 2019 or 2020, they will adopt new five- or ten-year aid programs. Even while budgetary support remains suspended, European donors should increase aid for the population. It is vital to minimise risks that the provision of external assistance, which may be coveted by many Burundian actors (including the population, the authorities and NGOs), exacerbate conflict dynamics at the local level. If they plan to channel aid through local NGOs, European donors should help those organisations build the capacity to manage funds in a tense security and political environment. This could include, for instance, measures to increase support for organisations facing government pressure, or diplomatic assistance in cases of authorities’ harassment of NGO employees."


Since 2011, Halcyon Agri has cleared 10,000 hectares of Cameroonian rainforest, an area roughly equivalent to that of Paris, to make room for rubber tree farming. The company is set to clear 20,000 more hectares in coming years on the edge of the Dja Faunal Reserve, an important habitat for wildlife such as gorillas and forest elephants. Halcyon Agri consistently refuses to release information on its operations and maintains that the land it is clearing is not primary forest.

The Dja Faunal Reserve is located on the traditional land of the Baka people, so Halcyon Agri is operating on Baka land against international human rights standards. The Baka have been forcibly evicted and their settlements have been destroyed. They have not received compensation for their land, however, because Cameroonian law requires that land be
privately owned and used in certain ways in order to qualify for compensation; the Baka’s right to their traditional land is not legally recognized as sufficient.

Greenpeace points out that the Baka were also denied their right to Free, Prior, and Informed Consent (FPIC). FPIC is recognized by the UN in the Declaration of the Rights of Indigenous Peoples and ensures that Indigenous Peoples like the Baka have a say in projects that take place on their lands. Regardless, the Baka were not consulted by Halcyon Agri, Sudcam, or the government of Cameroon before or after their lands were cleared and they were cleared off of them.

The impact that Halcyon Agri’s actions have on biodiversity are potentially devastating as well. The Dja Faunal Reserve is a UNESCO World Heritage site because of its stunning biodiversity. It plays host to rare forest elephants, forest buffalos, giant pangolins and bongo antelopes. Halcyon Agri is not clearing the Reserve itself, but the forest around it. As a result, plants and animals are losing their buffer between the Reserve and the world at large.

Greenpeace calls upon Halcyon Agri to stop clearing forest, and the government of Cameroon to stop allowing them to clear forests, until the Baka have been compensated and the environmental impacts of clearing local forests have been investigated and made public. In addition, they ask the corporations that buy Halcyon Agri rubber to suspend business with the company, including Titan, part of Goodyear tires, and Bandag, part of Bridgestone tires as well as corporations providing balloons, rubber gloves, and other common rubber products.


Laura Secorun “South Africa’s First Nations Have Been Forgotten: As Pretoria prepares to confront the legacy of colonial and apartheid-era land theft, hardly anyone seems to care about the claims of the country’s earliest inhabitants—the Khoisan,” FP, October 19, 2018, https://foreignpolicy.com/2018/10/19/south-africas-first-nations-have-been-forgotten-apartheid-khoisan-indigenous-rights-land-reform/?utm_source=postup&utm_medium=email&utm_campaign=7422&utm_term=editor#39;s%20picks%20o, reported, “The Khoisan were the first inhabitants of southern Africa and one of the earliest distinct groups of Homo sapiens, enduring centuries of gradual dispossession at the hands of every new wave of settlers, including the Bantu, whose descendants make up most of South Africa’s black population today. Since the end of apartheid in 1994, the ruling African National Congress (ANC) party has embarked on a mission to redistribute land. But this process has largely excluded the Khoisan, because South Africa does not acknowledge them as the country’s first peoples, and their land was mostly taken long before the apartheid era. Now, a growing movement of indigenous activists believes the time has come to take back what’s theirs.”

China had detained a million or more ethnic Uighurs in the western region of Xinjiang and forced as many as two million to submit to re-education and indoctrination.

In the name of combating religious extremism, China had turned Xinjiang into 'something resembling a massive internment camp, shrouded in secrecy, a sort of no-rights zone,' Gay McDougall, a member of the United Nations Committee on the Elimination of Racial Discrimination, said in the opening session of a two-day review of China’s policies in Geneva."


Six United Nations officials and rights experts said in a letter sent on Monday to the Chinese government that the regulations were a violation of international law, and they urged that those responsible be held accountable.”


But mounting evidence suggests a system of forced labor is emerging from the camps, a development likely to intensify international condemnation of China’s drastic efforts to control and indoctrinate a Muslim ethnic minority population of more than 12 million in Xinjiang."


Some reports in the Indian media have alleged the BBC had admitted its exposé was wrong, but in a letter to Survival International Mr Hall said: ‘Killing for conservation’ was an important piece of BBC original journalism, and we do not accept that any ‘mistake’ has been made, as has been reported.”

BBC Asia correspondent Justin Rowlatt’s 2017 report revealed that rangers in Kaziranga had shot dead 106 people in 20 years, and wounded many others, including a 7-year old boy who was maimed for life It featured an interview with a park guard who said: 'Whenever you see the poachers or any people during night time we are ordered to shoot them.'

BBC correspondent Justin Rowlatt reports on extrajudicial killings at India’s Kaziranga National Park.

The report caused a storm of controversy in India. The government retaliated by banning the BBC from filming in all the country’s national parks and tiger reserves.
The head of the BBC’s Natural History Unit recently wrote to India’s National Tiger Conservation Authority expressing his 'regrets' for the report’s 'adverse impacts,' in a clear attempt to be allowed back in to India to film. But Mr. Hall confirms that the letter 'in no way constitutes an apology for our journalism.'

Mr. Hall also acknowledged the vital contribution of local people who helped the BBC reveal the killings, and expressed his gratitude to them 'for their role in helping to bring this important story to light.'

Survival International Director Stephen Corry said today: "The BBC exposé revealed a really shocking level of killings by rangers in Kaziranga. Many people who support conservation were appalled that this was being done in conservation’s name. It highlighted just how brutal conservation has become, and how tribal people are too often its victims, rather than its senior partners."


'\n'This tragedy should never have been allowed to happen. The Indian authorities should have been enforcing the protection of the Sentinelese and their island for the safety of both the tribe, and outsiders. 

'Instead, a few months ago the authorities lifted one of the restrictions that had been protecting the Sentinelese tribe’s island from foreign tourists, which sent exactly the wrong message, and may have contributed to this terrible event. 

'It’s not impossible that the Sentinelese have just been infected by deadly pathogens to which they have no immunity, with the potential to wipe out the entire tribe. 

The Sentinelese have shown again and again that they want to be left alone, and their wishes should be respected. The British colonial occupation of the Andaman Islands decimated the tribes living there, wiping out thousands of tribespeople, and only a fraction of the original population now survive. So the Sentinelese fear of outsiders is very understandable. 

'Uncontacted tribes must have their lands properly protected. They’re the most vulnerable peoples on the planet. Whole populations are being wiped out by violence from outsiders who steal their land and resources, and by diseases like the flu and measles to which they have no resistance. 

'Tribes like the Sentinelese face catastrophe unless their land is protected. I hope this tragedy acts as a wake up call to the Indian authorities to avert another disaster and properly protect the lands of both the Sentinelese, and the other Andaman tribes, from further invaders.'"

restricted in the borderlands, threatening deeper popular alienation. To stop militants from stepping in, the government should lift its draconian interim regulations and deliver needed services.

**What’s new?** Pakistan has merged the Federally Administered Tribal Areas (FATA) along the Afghan border into an adjacent province, Khyber Pakhtunkhwa, a big step toward bringing constitutional governance and restoring peace to these lands. But the interim regulations governing FATA retain features of the colonial-era law previously in force, imperilling stability.

**Why does it matter?** Locals resent being in the crossfire of Islamabad’s war on FATA-based militants. Millions have been displaced. FATA’s civil society is more assertive than ever in demanding an end to these abuses and to militancy in the tribal belt. If Islamabad baulks, militants could exploit the ensuing popular estrangement.

**What should be done?** Khyber Pakhtunkhwa’s legislature should repeal FATA’s interim regulations and lift restrictions on freedom of movement. In consultation with locals, both the federal and provincial governments should urgently establish an administrative and judicial system that respects civil liberties, provides professional policing and delivers needed services in the territories.

I. Overview

On 24 May, Pakistan’s National Assembly passed the Federally Administered Tribal Areas (FATA) Reforms Bill, merging FATA, a mountainous belt along the Afghan border, with adjacent Khyber Pakhtunkhwa province. Previously, the federal government had directly administered FATA through colonial-era laws that deprived locals of rights and subjected them to harsh punishment. Inept and repressive governance, together with the Pakistani military’s use of FATA as a haven for jihadist proxies, have long made those areas vulnerable to militancy and conflict. By formally incorporating FATA into Pakistan’s constitutional mainstream, the Reforms Bill took a major step forward. But more must be done to stabilise the tribal borderlands. In particular, the newly elected governments in Islamabad and Khyber Pakhtunkhwa, led by Pakistan Tehreek-i-Insaf, should establish a legal and administrative system that delivers justice and services. The military should lift arbitrary restrictions on movement within, and outside access to, FATA so that elected representatives, civil society groups and the media can monitor progress.

Under the 1901 Frontier Crimes Regulations, the political agent, the senior-most federal bureaucrat in each of FATA’s seven tribal agencies, wielded unchecked executive, judicial and revenue authority. Article 247 of the constitution gave the president discretion to “make regulations” with respect to FATA’s “peace and good governance”, which denied the judiciary jurisdiction and circumscribed the national legislature’s authority. The FATA Reforms Bill, in essence the 31st amendment to the constitution, abolished this provision, and in his final executive decision under the article, President Mamnoon Hussain repealed the 1901 regulations.

FATA’s merger with Khyber Pakhtunkhwa followed years of military operations against Tehreek-e-Taliban (TTP, Taliban Movement of Pakistan) militants. Those operations broke TTP’s hold over most of the tribal belt but also displaced millions of residents, destroyed homes and ruined livelihoods. Security in those areas has improved but remains fragile. Afghan insurgents, including Afghan Taliban factions and allied militants, maintain sanctuaries in FATA from which they conduct operations in Afghanistan. Human rights abuses, particularly enforced disappearances, continue, and the military still controls virtually every aspect of public life.
FATA’s civil society, having long chafed at Islamabad’s and local elites’ misrule and at the military’s repression, has increasingly found its voice. The youth-led Pashtun Tahafuz (Protection) Movement flowered in early 2018, gaining strong civic support and demanding an end to militancy in FATA and to the military’s abuse of power, including enforced disappearances and extrajudicial killings, as well as curfews and other restrictions on fundamental freedoms. These demands now shape public discourse in the tribal belt, in Khyber Pakhtunkhwa and among Pashtuns countrywide. They played a major role in pressuring the civil and military leadership toward reform, culminating in the passage of the 31st amendment.

The territorial merger, the abolition of Article 247 and the extension of judicial oversight create new opportunities to make FATA truly part of Pakistan, ending its status as a no-man’s land. Yet the military’s desire to use this strategic territory as a haven for militant proxies and the civil bureaucracy’s reluctance to relinquish the power it enjoys from the status quo remain obstacles to reform. So, too, do the economic and political prerogatives of the bureaucracies’ local clientele, FATA’s self-serving tribal elite. Moreover, former President Hussain, when repealing the 1901 regulations, simultaneously promulgated the FATA Interim Governance Regulation 2018, which resembles the cancelled regulations in all but name, empowering unaccountable civil and military bureaucracies and denying residents civil liberties and protections.

Tehreek-i-Insaf, which under Imran Khan’s leadership came to power in July 2018 elections and will form both the national and Khyber Pakhtunkhwa provincial governments, has long been a strong advocate of FATA’s mainstreaming. It can now carry out that agenda, and by doing so reduce militancy and conflict risks and win local hearts and minds. The provincial government, in its very first sitting, should repeal the interim governance framework. It and the federal parliament should set up special bipartisan committees that consult local stakeholders in prioritising rehabilitation and reconstruction needs. These committees should also hold public hearings, including on human rights violations and other abuses of power.

Both federal and provincial governments should demand – and the superior judiciary should ensure – unimpeded access to the tribal belt, including to internment centres, for parliamentarians, civil society groups, human rights defenders and media outlets. The military authorities should lift all restrictions on residents’ movements in and out of FATA. The federal government should give the judiciary the finances it requires to establish the necessary infrastructure in FATA. Since Khyber Pakhtunkhwa’s 2017 police act applies to the tribal belt, the provincial government should ensure that it has the resources it needs to exercise its additional responsibilities, while disbanding the tribal levies, the official tribal militias under the FATA’s administration’s control, and incorporating their personnel into the regular police force."

genocide and crimes against humanity, and it identifies 22 Myanmar Army and Police officials who should be criminally investigated for their roles in atrocities.

In order for the International Criminal Court (ICC) to issue an arrest warrant, the prosecutor must find “reasonable grounds” that perpetrators committed genocide and/or crimes against humanity. The report calls on the United Nations Security Council to urgently refer the situation in Myanmar to the ICC.

The dominant narrative about what occurred in Myanmar’s northern Rakhine State in 2017 suggests that Rohingya militants attacked dozens of police outposts, instigating a spontaneous Myanmar Army-led crackdown against Rohingya civilians, forcing the displacement of hundreds of thousands to Bangladesh.

The 160-page report, “They Gave Them Long Swords”: Preparations for Genocide and Crimes Against Rohingya Muslims in Rakhine State, Myanmar [available at: http://www.fortifyrights.org/downloads/Fortify_Rights_Long_Swords_July_2018.pdf] documents how the Myanmar authorities committed mass killings, rape, and arson attacks against Rohingya in Maungdaw Township in October and November 2016. When the international community failed to effectively respond to these attacks, Myanmar authorities made preparations to commit another attack that extended throughout all three townships of northern Rakhine State—Maungdaw, Buthidaung, and Rathedaung.

Specifically, Myanmar authorities: 1) systematically collected sharp or blunt objects from Rohingya civilians, “disarming” them; 2) trained and armed local non-Rohingya ethnic citizens in northern Rakhine State, preparing them for violence; 3) systematically tore down fencing and other structures around Rohingya homes, providing attackers with a greater line-of-sight on civilians; 4) deprived Rohingya civilians of food and other lifesaving aid, systematically weakening them physically ahead of attacks; 5) deployed unnecessarily high numbers of state-security forces to northern Rakhine State; and 6) committed human rights violations against Rohingya civilians, including imposing discriminatory curfews and other violations prior to attacks.

These deliberate actions fit within the United Nations’ Framework for Analysis of Atrocity Crimes as “preparatory actions” for genocide and crimes against humanity.

The report finds at least 27 Myanmar Army battalions, comprising up to 11,000 soldiers, along with at least three combat police battalions, comprising an estimated 900 police personnel, were involved in the attacks in northern Rakhine State beginning in August 2017.

Fortify Rights identifies 22 military and police officials with command responsibility for the ‘clearance operations’ in northern Rakhine State. These officials should be criminally investigated and potentially prosecuted for genocide and crimes against humanity. The list includes Commander-in-Chief Senior General Min Aung Hlaing, Deputy Commander-in-Chief Vice Senior General Soe Win, and the Joint Chief of Staff of the Army, Navy, and Air Force General Mya Tun Oo.

The report is based on a 21-month-long investigation, including 254 interviews conducted by Fortify Rights in Myanmar and Bangladesh with Rohingya eyewitnesses and survivors, Myanmar military and police personnel, Bangladesh military and government officials, members and former members of the Arakan Rohingya Salvation Army (ARSA)—also known as al Yaqin, a militant Rohingya group—international and local humanitarian aid workers, medical physicians, and others.
Myanmar authorities provided weapons—firearms and swords—and quasi-military training to non-Rohingya citizens in northern Rakhine State months and, in some cases, immediately prior to attacks on Rohingya that began on August 25, 2017.

While disarming Rohingya and arming non-Rohingya in northern Rakhine State, the Myanmar authorities blocked humanitarian aid to Rohingya, including food and lifesaving aid. This had the effect of systematically weakening Rohingya civilians ahead of attacks against them.

The government also restricted access for journalists and human rights monitors before the attacks, including the Independent International Fact-Finding Mission, established in March 2017 by the United Nations Human Rights Council.

Fortify Rights interviewed several current and former members of ARSA who explained their involvement in hastily planned attacks on police outposts on August 25, which provided the ostensible spark for the Myanmar Army-led crackdown on civilians. Those interviewed by Fortify Rights described ARSA as having little to no military capacity and no training.

Upon ARSA’s assault on police outposts on August 25, Myanmar authorities activated local non-Rohingya citizens, some of whom they previously armed and trained. Together, they attacked Rohingya villages.

Fortify Rights documented how soldiers, police, and local non-Rohingya citizens hacked civilians, slit throats, and fatally shot and burned thousands of Rohingya men, women, and children in a matter of weeks. Soldiers raped masses of Rohingya women and girls, killed infant children, arbitrarily arrested men and boys, and destroyed several hundred villages in arson attacks, forcing more than 700,000 to flee to Bangladesh.

“Rashida,” 50, watched as Myanmar Army and Lon Htein (riot police) soldiers dragged her two adult sons from her home in Kha Maung Seik—also known as Fora Bazaar—in Maungdaw Township on August 27. “I was watching the whole time,” she told Fortify Rights just days after the incident. “The soldiers made them lay down on the ground, and then they cut their necks. We were shouting and crying.”

ARSA also perpetrated human rights abuses, including the murder of Rohingya civilians. Fortify Rights interviewed six members of ARSA, eyewitnesses to ARSA killings of Rohingya civilians, and 11 civilians who provided credible information that ARSA killed six Rohingya civilians in the lead-up to the August 25 attacks.

Rohingya survivors and members of ARSA told Fortify Rights that the militant group threatened, beat, and, in some cases, killed Rohingya they suspected of being government informants. Members of ARSA told Fortify Rights that Atta Ullah, the head of ARSA, issued the kill orders.

The report finds there are reasonable grounds to believe that the crimes perpetrated by the Myanmar Army, Police, and civilians against Rohingya in all three townships of northern Rakhine State constitute genocide.

The crime of genocide requires 1) the commission of one of five specified criminal acts 2) committed against a protected national, ethnic, racial, or religious group 3) with the intent to destroy the group in whole or part.

Specifically, the new report analyzes three acts of genocide—killings, causing serious bodily harm, and creating conditions of life designed to be destructive—committed with a specific intent to destroy the Rohingya in whole or part. According to case law, genocidal intent can be inferred from a number of factors, including the political doctrine that gives rise to the acts, the use of derogatory language toward members of the targeted group, the scale of the
atrocities, the systematic nature and atrociousness of the acts, the deliberate and systematic targeting of victims on account of their membership in a protected group, and the targeting of all members of the group.

The evidence collected by Fortify Rights demonstrates reasonable grounds to believe that the Myanmar Army, Police, and civilian perpetrators acted with genocidal intent to destroy the Rohingya in whole or in part.

The report also analyzes the commission of eight crimes against humanity—murder, extermination, rape, deportation or forcible transfer, torture, imprisonment, enforced disappearance, and persecution—committed by Myanmar Army soldiers and Police personnel against Rohingya civilians.

In addition to a U.N. Security Council referral to the ICC, the Association of Southeast Asian Nations (ASEAN)—to which Myanmar is a member—should hold an emergency meeting to develop a plan of action to address the Rohingya crisis and ensure international justice and accountability, Fortify Rights said.
Bangladesh and Myanmar have struck a deal for the involuntary repatriation of over 2,000 Rohingya refugees. But the agreement is rushed and threatens stability on both sides of the border. Myanmar and Bangladesh should halt the plan and instead work to create conditions conducive to a safe and dignified return.

What’s new? Bangladesh’s government is preparing to return several thousand Rohingya refugees to Myanmar. Under pressure from China, the two countries have agreed to start implementing a repatriation agreement on 15 November 2018.

Why does it matter? The returns process is not voluntary and jeopardises refugees’ safety as conditions in Myanmar’s Rakhine state are not conducive to their return. The move renews the risk of violent unrest in Bangladesh where the refugees are housed as well in Myanmar’s Rakhine state.

What should be done? The UN, U.S., European Union (EU), Australia, Canada and other governments should press Bangladesh and Myanmar to postpone repatriation until conditions on the ground in Myanmar allow Rohingya refugees to return safely and voluntarily.

I. Overview
Bangladesh is poised to begin returning several thousand Rohingya refugees to Myanmar. This repatriation is unlikely to be voluntary and should not proceed. It would not only violate Bangladesh’s international legal obligations and jeopardise the safety of the refugees, but risks triggering violence and greater instability on both sides of the border. Bangladesh and Myanmar should immediately halt the plan. The UN, including the secretary-general’s special envoy and the UN refugee agency, should continue to firmly oppose it, both in public and in private, and establish a process whereby Rohingya refugees are consulted about their future. The U.S., European Union (EU), Australia, Canada and others also should press Bangladesh and Myanmar to halt the returns and instead work to create conditions conducive to voluntary repatriation; those countries’ participation at the 11-15 November ASEAN summits in Singapore is an opportunity to do so.

II. New Pressures for Repatriation
Almost 750,000 Rohingya fled to Bangladesh following Myanmar’s brutal military operation in Rakhine state in response to attacks on security posts by the Arakan Rohingya Salvation Army (ARSA) militant group in August 2017. The refugees have been living in vast camps near the Bangladesh-Myanmar border ever since. A UN fact-finding mission concluded that the military’s actions constitute crimes against humanity, war crimes and possible genocide.

Myanmar and Bangladesh agreed to a procedural framework for repatriation in November 2017, which was supposed to start on 23 January. But no Rohingya refugee has returned through official channels. In fact, more Rohingya have left Myanmar since then: some 16,000 have departed Rakhine state for Bangladesh so far in 2018. Refugees are unwilling to return without guarantees that their security and rights will be protected, accountability ensured and compensation provided for the destruction of their villages, homes and property.

On 30 October, however, Bangladesh and Myanmar agreed on a repatriation deal at a joint working group meeting in Dhaka. Under the agreement, 485 Rohingya families (a total of 2,260 people) are to be returned to Myanmar starting on 15 November; Myanmar has said that it will process 150 returnees per day. These people were not consulted in advance and how they were selected is unclear; they are terrified at the prospect of being returned to Myanmar. The Bangladesh authorities have said that they will not force people to go back, but no return under
present circumstances can be voluntary. Crisis Group interviews indicate that some of the refugees on the list for return have gone into hiding out of fear of being repatriated; at least one has attempted suicide.

While the two countries have held many previous discussions and made announcements on repatriation plans over the past year that have not been implemented, this time Bangladesh appears determined to push through a limited returns process. Its political calculations have shifted for two key reasons.

First, it has come under considerable diplomatic pressure from China to start returns. China has important economic and geostrategic interests in Myanmar, including a multi-billion dollar China-Myanmar Economic Corridor, the details of which are currently being finalised; it is also a major investor in Bangladesh, giving it significant leverage. China has been supporting Myanmar in the UN Human Rights Council and General Assembly and protecting it from stronger Security Council action. It has advocated support for Myanmar and Bangladesh to deal with the situation bilaterally instead of being addressed in multilateral forums, but this argument rings hollow if the bilateral process is not working.

Beijing has thus facilitated a series of meetings between Myanmar and Bangladesh and has made clear that it wants to see movement. Chinese Foreign Minister Wang Yi hosted a side meeting among Myanmar, Bangladesh and UN Secretary-General António Guterres and his Special Envoy during the General Assembly in September, where the Bangladesh foreign minister committed to start repatriations “soon”. Immediately after the 30 October meeting between Myanmar and Bangladesh, Chinese Public Security Minister Zhao Kezhi also met with the two sides.

Secondly, Bangladesh is worried about what it sees as an emerging global consensus that most refugees are unlikely to return home for the foreseeable future and a shift in Western donor focus to their local integration. Many senior Bangladeshi officials privately acknowledge that the majority of refugees may never go home. But they are not ready to state this publicly or to allow donors to take for granted Bangladesh’s continued hosting of the Rohingya – especially given the low levels of funding for the humanitarian operation and the burden this places on Bangladesh. It also believes that international actors have not pressed Myanmar enough to address the security, rights and accountability issues to enable any large-scale return. By undertaking some forced returns, Bangladesh officials appear to be banking on the fact that they will alarm donors and prompt them to focus more on the situation and realise the status quo is unsustainable.

These factors have combined to tip Bangladesh’s policy in favour of a small-scale return. Political dynamics ahead of general elections in Bangladesh on 23 December may also play a part. Myanmar also sees a limited repatriation as serving its interests. Naypyitaw hopes that a small number of returns would demonstrate to a sceptical world that it is ready to welcome Rohingyas back, shifting the focus away from the reasons why they originally left – and thereby weakening, it believes, the basis for claims of ethnic cleansing and genocide.

III. The Risks of Forced Returns

While Bangladesh and Myanmar may consider that the return of some refugees serves their respective interests, it would harm the Rohingyas themselves, who would be returning to a situation from which people continue to flee. Bangladesh is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, and while it has given the Rohingyas safe haven, it does not formally recognise them as refugees. Nevertheless, Bangladesh has an obligation under customary international law to ensure that any return of refugees to Myanmar is voluntary and safe.
Bangladesh and Myanmar did not consult in advance with the UN or its refugee agency on the repatriation. The UN has stressed the move is premature and that it does not yet consider conditions on the ground in Rakhine state conducive to returns. The UN special rapporteur on the situation of Human Rights in Myanmar issued a statement on 6 November calling on Bangladesh to shelve the “rushed plans” for repatriation.

In addition to the human rights concerns, a forced repatriation carries serious risks for security and stability on both sides of the border. The refugee community in Bangladesh is strongly opposed to the move and will do whatever it can to resist it. This will increase tensions in the camps and could lead to confrontations between refugees and Bangladeshi security forces and greatly complicate humanitarian operations. A botched repatriation attempt could potentially set back peace and development efforts by years.

The ARSA militant group continues to have a prominent presence in the camps and could launch cross-border raids on Myanmar’s security forces, as it did in January 2018, in an effort to stop repatriation. Other militant factions have also been organising in the camps, though their capacity for violent action is unclear. Any attack or other security incident in Rakhine state would heighten tensions there and could worsen conditions for the several hundred thousand Rohingya who remain. Myanmar has also said that some of the people proposed by Bangladesh for repatriation were ARSA members. It is not known if they are among those selected for return but this raises the worrying possibility that some of those sent back could be arrested.

A rushed repatriation is also likely to increase tensions in Rakhine state. Already, ethnic Rakhine opposed to returns have held demonstrations to stop them. Rakhine nationalists are also calling for strict security vetting of returnees and resettling them to certain secure areas instead of their home villages. In particular, nationalists are staunchly opposed to any returns to southern Maungdaw, which they want to maintain as a “Muslim-free zone”. Crisis Group has seen a partial list of the returnees, a number of whom came from villages in this area, and under the terms of the repatriation agreement should be allowed to return there. A secretive repatriation process without the consultations and preparations needed in Rakhine state could easily inflame hostilities and provoke violence against returnees or the remaining Rohingya population.

If refugees fear that they will be forced back to Myanmar, they may become more desperate to leave the camps and to attempt dangerous sea journeys across the Bay of Bengal to Thailand, Malaysia, Indonesia or other countries. This could have wider regional implications, as it did during the maritime migration crisis of 2015.

IV. Recommendations

The following actions should urgently be taken:

Bangladesh and Myanmar should immediately halt plans to return refugees to Rakhine state until they can ensure a process of voluntary, safe and dignified return. The onus is squarely on Myanmar to create those conditions.

In the meantime, Myanmar should grant unfettered access for the UN and its international NGO partners, as well as the media, to northern Rakhine for the delivery of essential humanitarian support and in order to allow independent assessment of the situation on the ground.

The Bangladesh government and its international partners should deepen their political engagement with the Rohingya refugees and consult them about their future. So far, there is almost no consultation or even processes in place to do so.

China should stop pressing for an early repatriation and lend its weight to efforts by other governments and organisations to create conditions in Rakhine state that are conducive to
The UN and its refugee agency should continue to firmly oppose the repatriation in public and in private and use its influence in both countries to halt the process. In particular, the UN Secretary-General’s Special Envoy for Myanmar, Christine Schraner Burgener, should take a clear public stand and press both Dhaka and Naypyitaw to shelve their current plans. The UN, already facing serious questions about its approach in the years leading up to the crisis, cannot fail the Rohingyas again. If a precedent of forced repatriation is set, larger-scale forced returns in the future become much more likely.

As dialogue partners with the Association of Southeast Asian Nations (ASEAN), the U.S., EU, Australia, Canada and others should use the upcoming ASEAN summit meetings from 11 to 15 November in Singapore to press Myanmar to halt its current plans and instead work to create conditions for voluntary repatriation. ASEAN countries have a direct stake, since forced returns will likely lead to a surge in Rohingyas seeking to flee by boat to Thailand, Malaysia and Indonesia.”

Patricia Miguel and Ana Marrugo “An International Court Is Investigating the U.S. and U.K’s Mass Expulsion of Indigenous Islanders: Long ignored by the media, the people of Chagos struggle relentlessly to reclaim islands that the U.S. and U.K. stole for a military base, Foreign Policy In Focus (FPIF), September 12, 2018, https://fpif.org/an-international-court-is-investigating-the-u-s-and-u-ks-mass-expulsion-of-indigenous-islanders/?utm_source=fpif_newsletter&utm_medium=email&utm_campaign=9-12-18, reportd, “Can you imagine being forced out of your home, your land, shipped to an unknown territory with no job and none of your belongings except the clothes on your back? That is the story of the Chagossian people. They are the little-known victims of two colonial powers, the UK and the United States, whose governments manipulated diplomatic rules and colluded to remove the Chagossians from their Indian Ocean homeland to create a major U.S. military base on the island of Diego Garcia. The two governments have gotten away with this injustice for the past 50 years despite the Chagossians’ valiant efforts to return home.

For the first time, this month, the International Court of Justice (ICJ) is examining the deportation of the Chagossians and Britain’s 1965 decision to separate the people’s Chagos Archipelago from colonial Mauritius in preparation for the expulsion. The case could have significant implications for the U.S. military, for Mauritius, which is challenging U.K. sovereignty over the British Empire’s last-created colony, as well as for this long-ignored group of refugees.

The Chagossians and their African and Indian ancestors had lived on the beautiful tropical islands of the Chagos Archipelago since the late 18th century. They lived there until the late 1960s and early 1970s, when the U.S. and U.K. governments uprooted them from their homes and separated them from almost all their possessions and their livelihoods. The governments removed the Chagossians to build what has become a major U.S. military base, which has played key roles in the 1991 and 2003 U.S.-led Gulf Wars in Iraq and the U.S. war in Afghanistan.

The case before the ICJ in The Hague has been brought by the former U.K. colony of Mauritius, which is challenging Britain’s decision in 1965 to separate the Chagos Archipelago from Mauritius as Mauritius was gaining its independence. In June 2017, the UN General Assembly ruled overwhelmingly — despite U.K. and U.S. opposition — to send the case to the International Court.
Few people in the United States or elsewhere know the story. Upon learning about the Chagossians, many reply: How is that possible? I can’t believe I haven’t heard about them. Once we learned what the Chagossians and their supporters do every day to claim their right to return home, we began to wonder why media outlets aren’t speaking about this human rights violation more frequently.

In order to understand the hushed nature of the story, it’s important to look back on how the two governments agreed on the construction of the U.S. military base on Diego Garcia.

In 1965, the U.K. used its colonial power over Mauritius to “exclude” the Chagos Archipelago from the Mauritian territory — disregarding UN conventions. This allowed the British government to keep control over the archipelago. In turn, U.S. officials conspired with their British counterparts to remove approximately 1,500 Chagossians. In a 1971 memo, U.S. Navy Admiral Elmo Zumwalt gave the definitive order that would condemn Chagossians to exile: “Absolutely must go.”

The price tag of this secret negotiation cost the U.S. government $14 million to relocate the Chagossians to Mauritius and the Seychelles. The two governments withheld the Chagossians’ expulsion from Congress, Parliament, the U.N., and the media. This pattern of keeping the truth about the Chagossian exile in the dark continues today. If the media remains silent, they become accomplices to the crimes these two world powers are committing against the Chagossians.

Let us not overlook our society’s tendency to forget in the face of tragedy. The Chagos Archipelago sits some hundred miles away from the U.K. and some thousand miles away from the U.S., which makes it easy to remove any element of humanity from the exile. This insensitive perspective allows the British bureaucracy to treat them as a minor hindrance and for the U.S. to avoid their responsibility in this crime.

Consider, as well, that the Chagossians have decided to play within the judicial realm of the two governments. But when the rules are dictated by those in power, the outcome is already set. By staying quiet, the media has played into this game of the powerful, a game that dehumanizes those involved. After all, shouldn’t the media be a tool to uncover the injustice and tip the balance in favor of the marginalized?

After 50 years of protests, strikes, and legal battles, some Chagossians have only received: negligible and inadequate compensation, short trips to restore the cemetery where their loved ones rest, and repeated dismissals in court proceedings.

In the U.S., few people know about this crime that their government has been perpetrating for 50 years because the Chagossian struggle has received little media coverage: a feature in 60 Minutes (2003), an article in The Washington Post (2007), a story on NPR (2015), and a handful of op-eds. Are there too few Chagossians for their exile to be considered a tragedy? Is their homeland too far away from the U.S. that they do not deserve massive outrage? Are the colonialist voices more important than the colonized?

It is time for us to think about what is newsworthy in this country. While major media outlets in the U.S. are covering the government’s role in other international affairs, they are ignoring the fact that for the last 50 years the U.S. and the U.K. governments have been the perpetrators of an ongoing human rights violation.

With the case before the International Court of Justice, an opportunity arises for the Chagossians to get justice and for the world to know about the crimes committed against them. A victory for Mauritius would demonstrate the illegitimate nature of U.K.’s sovereignty over the Chagos Archipelago and would offer further proof of the unlawful deal between the British and
Although the Court’s opinion is non-binding, it is an opportunity for the international community and all of us to show our solidarity with the thousands of displaced Chagossians and take a stand against continuing human rights violations sponsored by modern colonialist practices. Chagossians demand the right to return home. Being silent is not an option in the face of this injustice.

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Hannah Beech, “Their Land Defiled, Forest People Swap Flower Worship for Quran and Concrete,” The New York Times, October 14, 2018, https://www.nytimes.com/2018/10/14/world/asia/indonesia-sumatra-orang-rimba.html?rref=collection%2Ffissuemultimedia%2Ffendays-new-york-times&action=click&contentCollection=todayspaper&region=rank&module=package&version=highlights&contentPlacement=1&pgtype=collection, reported that despite a court order protecting Indigenous people on the Indonesian Island of Sumatra, the vast majority of the Orang Rimba forest people of Jambi have been forced out of the forest and resettled in cities, having lost not only their traditional homes but their way of life and much of their culture, including their traditional spiritual practices. As one traditional healer said, “When the flowers could no longer summon the gods, the healer knew it was time to leave the forest.”

The cause of the removal has been the expansion of palm oil plantations along with logging, rubber and paper operations. In the Orang Rimba territory of Sumatra, Global Forest Watch reports that 32 percent of the forest has been cut down since 2000, and in Indonesia as a whole, about 15 percent has been cut down.”

"Mass arrests in Papua as UN meets, Survival International, October 4, 2018, https://survivalinternational.org/news/12015, reported, "Eighty nine indigenous Papuans were arrested last week, taking the total number of arbitrary arrests in West Papua to 221 in one month alone.

Last week’s arrests, during which many people were also beaten, were for peacefully demonstrating support for the Republic of Vanuatu’s denunciation of human rights abuses in Papua at the UN General Assembly in New York. Vanuatu also raised the issue of Papuans’ right to a legitimate self-determination process.

Indonesia, which has occupied West Papua since 1963, has a long history of human rights violations against the Papuans. Killings, arbitrary arrests and torture at the hands of the security services remain rife.

Mass arrests are a common method of silencing dissent and restricting freedom of expression in West Papua. In 2016 the UN Committee on the Elimination of Racial Discrimination (CERD) delivered two early warnings to Indonesia when more than 5,000 people were unlawfully arrested in just one year.

In response to Vanuatu’s statement at the UN, Indonesia claimed that there are not ‘frequent and systematic human rights violations’ in West Papua. However, the arbitrary arrest of 221 Papuans; the torture of five Papuans by Indonesia’s security forces; and the death of one Papuan in police custody in just one month dramatically contradict Indonesia’s statement.

Survival International, the global movement for tribal peoples joins TAPOL and the East Timor and Indonesia Action Network in condemning the recent arrests and calls on the government of Indonesia to: end human rights violations in Indonesia; stop the culture of
impunity afforded to those responsible; and to fulfil its promise to allow UN human rights investigators and journalists to visit West Papua."


"As of 2013, just 3.7 percent of New Zealanders spoke the language fluently, and many predicted that it would soon die out. But analysts say Maori’s status is shifting, and a basic knowledge of the language has come to signify cultural cool in a country that continues to wrestle with its colonial and indigenous roots.

Now New Zealand’s government, which says it wants more than 20 percent of the country’s population to speak basic Maori by 2040, has pledged to provide Maori lessons in all New Zealand schools by 2025, despite a dearth of teachers who can speak the language."

"Maori revitalization is also part of a broader renaissance for indigenous cultures globally, which in some countries includes support for indigenous news media and a revival of traditional religions. Ms. Henry said countries like Canada were watching New Zealand to see how its gains had been achieved."


One guard’s response to Mr. Dungay was also recorded: ‘If you’re talking, you can breathe.’"

On Monday, the graphic video footage was shown on the first day of Mr. Dungay’s inquest, reigniting long-simmering anger about the deaths of Indigenous Australians in custody, which are a flash point of race relations in Australia.

Indigenous Australians are one of the most incarcerated groups on earth. Aboriginal and Torres Strait Islander people are 27 percent of Australia’s prison population, despite making up about 3 percent of the country’s total population.

In 1991, a royal commission into Aboriginal deaths in custody made 339 recommendations, but many of them were never properly implemented, according to a report commissioned by Amnesty International Australia."
But the rate of incarcerated Indigenous prisoners since the commission has soared. Every single detained child in the Northern Territory is Aboriginal, according to data from June."

For years, it has been impossible to repatriate the bones of thousands of Aboriginal Australians collected for so-called scientific study, as there was no accompanying identification to indicate where in the country they were from. DNA study now makes possible identification of which bones came from which bands in which areas, so museums are working to have the analysis done and return the bones for proper ceremonial burial (Carl Zimmer, "Our Old People's Spirits Won't Rest: Mapping Aboriginal Australians' Origins," The New York Times, December 20, 2018).


DIALOGUING

PARTICIPATORY DEVELOPMENT: A HUMANITARIAN ALTERNATIVE TO MIGRATION

Dr. Yossef Ben-Meir and Manon Burbidge*

Originally published by Global Research, December 11, 2018, https://www.globalresearch.ca/participatory-development-a-humanitarian-alternative-to-migration/5662531?mc_cid=a2b7935137&mc_eid=444e7eeaf5, and received from the High Atlas Foundation, with encouragement to share this article.

December 2018 is gearing up to be a pivotal month for migration on the world stage, and the epicentre is here, in Marrakech, Morocco, with two high-level fora taking place concerning development and migration. However, in order for the discussions that take place at these conferences to be impactful on the lives of ordinary people, the outcomes and agreements signed must be used as a catalyst for governments and concerned organisations to address the drivers intrinsic to migration, including rural poverty, lack of economic opportunity and climate change. To put this into practice, we offer our experiences of a grassroots, participatory development method as a humanitarian alternative to migration.

Firstly, the Global Forum for Migration and Development (GFMD) took place on 5th-7th December, based upon the theme of "Honouring International Commitments to Unlock Potential of All Migrants for Development". The 11th summit of the Forum is the largest multi-stakeholder dialogue platform concerning migration and development, representing government policymakers, GFMD observers, members of civil society and the private sector. Although the proceedings of the GFMD are non-binding and voluntary, it is hoped that this conference will lay down foundations for the first Global Compact for Migration (for Safe, Orderly and Regular Migration), to be held on 10th-11th December, also in Marrakech.

This UN-led High-Level Political Forum will be the first international compact of its kind to address migration, designed to improve the management and co-operation of countries concerning the movement of peoples across borders. This agreement will also address the overarching causes of migration, such as poor access to sustainable livelihoods, the socio-
economic and environmental implications of migration upon both origin and host countries, as well as working to enhance the value and impact of migrants for sustainable development.

Nevertheless, this cannot be achieved without acknowledging the growing storm confronting mankind: climate change.

Climate change, development and migration are part of an inextricably linked nexus. The Environmental Justice Foundation predicts that up to 10% of the world’s population could be at risk of forced displacement due to climatic hazards by 2050. At the GFMD conference, the EuroMedA Foundation, who hosted a side event entitled “A Euro-African Approach to Migration” highlighted that key issues set to face Africa will be desertification, drought and food insecurity, risks that are only going to worsen. Climate change can also compound existing, or create new political and economic issues in at-risk countries and further drive migratory patterns, with the distinct possibility of turning plans for “Safe, Orderly and Regular Migration” on its head.

In acknowledgement of this looming problem, the following describes a strategy of participatory development, which addresses economic security and climate resilience for those most vulnerable, and hence reducing the likelihood of necessary migration in future. Morocco has the distinction of simultaneously being a last-stop transit country for migrants from sub-Saharan Africa, as well as being a nation of emigrants to Europe, North America and the Middle East. Under current projections, the country is set to be on the frontline of climate change, riddled by food insecurity, droughts, desertification, catastrophic flash-floods in erosion prone mountainous areas, all of which will only be exacerbated by the continuing trends of warming temperatures.

It is overwhelmingly the case that in Morocco as elsewhere, during community-based discussions regarding socio-economic development projects located in regions with high levels of emigration, that local participants would strongly prefer to stay in their home communities, if only there were basic opportunities there. Indeed, many migrants prefer not to be migrants, but instead seek the sustainable development of their origin communities. Involving local community members in the decision-making processes reveals key contextual insights into the priority initiatives that will enhance the wellbeing of their communities: these are highly viable and implementable because the projects respond to their self-defined needs, and are therefore most likely to be sustainable.

For example, in order to create opportunities and economic activity in marginalised rural communities experiencing notable emigration, a $100,000 investment can establish a women’s cooperative of approximately 50 members, for agriculture, food-processing or the production of artisanal crafts. This can generate an average of a 50% increase to household incomes, which in turn benefits a further 300-350 people, through better access to schooling, healthcare and sanitation infrastructure. Clean drinking water systems to serve one municipality costs in the region of $350,000 and dramatically improves not only resilience to droughts and girls’ participation in education, but also decreases incidences of water-borne diseases and infant mortality.
Furthermore, in Morocco, like so much of Africa, almost all the endemic species of fruit and nut trees can grow organically, if only investments in certifications, nurseries and co-operative building were available. These tree plantations can be used for multiple purposes, including seeding riverbanks to fight erosion, improving local biodiversity, to diversify traditional income sources and for carbon sequestration initiatives that can be vital for long-term sustainability. In this sense, human development and economic projects and investments at the grassroots level can be leveraged to form commitments from the community to implement other initiatives that are beneficial for both protecting their local environments but also for global climate mitigation.

In order for potential migrants to be able remain in their communities, the agricultural value chain from nursery to market and the supporting infrastructure need to be put in place. The root of rural poverty, which ultimately propels migration, is in the insufferable bottlenecks at each step of the value-chain, slow-moving decision-making and ultimately a warming climate. Considering however the enormous opportunities that are discussed at global conferences, if applied at a community-scale, especially for example, with regards to added value from organic certification and carbon credit offsets, the ongoing impoverishment in rural places need not continue. So long as it does however, and if building climate resilience and adaptation is not incorporated with the migration-development paradigm, then the “ordered, safe and regular migration” hailed by the Global Forum and the UN’s HLPF will never be realised.

*Yossef Ben-Meir, Ph.D. is a sociologist and is also President of the High Atlas Foundation, based in Marrakech. Manon Burbidge is a post-graduate studying Human Ecology at Lund University, Sweden and currently interning at the High Atlas Foundation.

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A FUTURE BEYOND FEAR

John Horning*


We are creating a Greater Gila that can be a sanctuary for wolves, but we are also creating new opportunities for people to envision a future beyond the wolf-cattle conflict.

About a decade ago, I shared with a colleague that I would be heading down to Catron County, N.M.—one of the strongholds of the Sagebrush Rebellion with its anti-public lands and endangered species fervor. I was going to meet with a notorious public lands rancher to discuss the concept of voluntary grazing permit retirement. He looked at me wide-eyed and said “aren’t you scared?” Then he added: “Do you have a gun?”

I didn’t really understand the fear that informed this issue. I think, in large part, because I have a trusting nature. Sure, I knew that more than a few ranchers had a violent history—towards the land, its native inhabitants and its wildlife. And while much of that is based on facts, I know that a good bit of it is based on myth.
The wolf too has been mythologized as a symbol of fear since ancient times. Despite growing knowledge of how wolves have been misunderstood, much of that fear remains. In our campaign to protect wolves, the fear of even exploring common ground with our adversaries has been, at times, an obstacle to progress.

To be honest, I wasn’t the slightest bit fearful of meeting the rancher to discuss the idea of paying him to permanently relinquish his grazing permit on the Gila National Forest. I was, however, filled with doubt about whether or not paying ranchers for something they don’t own was the right thing to do.

That’s because, if you know me well, you know there’s one thing that drives me crazy: it’s when ranchers, the media or politicians call public land grazing a right. It’s not. It’s a privilege—and always has been. Every single court in the land, including the U.S. Supreme Court (numerous times), has held that grazing on public lands is a privilege. And like any other privilege, if you abuse it, it can—and should be—taken away. Frustratingly, in the case of public lands, ranchers too often have abused the privilege and faced no repercussions.

So how did a dyed-in-the-wool public lands grazing activist with a long history of trying to kick ranchers off our public lands (to protect endangered trout, willow flycatchers and wolves) come to embrace paying ranchers for something they don’t own?

Ironically, or perhaps not so ironically, my path to reconciliation with public lands ranchers—if not ranching—has its origins in our bare-knuckled, legal advocacy.

Twenty years ago, in the spring of 1998, WildEarth Guardians won a major Endangered Species Act lawsuit that halted cattle grazing along 300+ miles of streams and rivers throughout the Greater Gila Bioregion. It was thrilling to win so big on behalf of so many endangered species that depend on the Gila River and its headwater streams, like the Tularosa, the San Francisco and the Blue.

Our legal victory sent a powerful signal to ranchers that they were not above the law and it did allow many beautiful streams to begin to heal after nearly a century of abuse. And heal they have.

And yet our lawsuit didn’t move the needle enough in resolving the meta-conflict, between the wolf, wilderness advocates and ranchers. In fact, not surprisingly, it escalated a cultural conflict that was already pretty intense.

But our legal victory also hastened an intergenerational trend of old-time ranch families getting out of public lands ranching. Simply put, their kids weren’t interested for a host of social, cultural and economic reasons. Instead of handing off the ranch to the next generation, more and more ranchers were selling their private lands—and the public land permits that are attached to them—to newcomers who stepped into a conflict-laden landscape.

It was with this insight, about the broader generational shift going on in the western public lands livestock industry, combined with the long shadow of climate change, as well as new insight about the limitations of legal advocacy, that led me—and WildEarth Guardians—to
embrace what was once unthinkable: *paying a rancher once to never again graze their cattle on our public lands.*

Since that time I’ve become more committed to the belief that voluntary public land grazing permit retirements—and the one-time financial payments to ranchers that are vital to this strategy’s successful execution—are absolutely the right thing to do.

It may not be the right thing philosophically or ideologically. But I have no doubt that payments of around $10 an acre are not only ecologically important and politically pragmatic—they’re also the just thing to do. That’s because many ranchers are caught between a rock and a hard place. At one time society wanted beef from its public land. Today, society increasingly wants wolves, clean water and abundant recreational opportunities. Those values are much easier to deliver without managing conflict over where and when cows should graze.

I did meet with that rancher who stirred those intense feelings of fear. He obviously did not shoot me (or, I should say, he obviously did not kill me, but he did not shoot me either). Nor did I bring a gun or another colleague. A few years after that initial meeting, in 2014, he became the first rancher in the Greater Gila to voluntarily relinquish his public lands grazing permit in exchange for a one-time financial payment.

Today, that allotment sits vacant and wolves from the Dark Canyon Pack roam free without the potential repercussions of predating on livestock. More importantly, that deal has inspired other ranchers to come forward, overcoming their own fears, to engage *WildEarth Guardians*’ staff in an effort to reach similar, just and equitable agreements.

We are optimistic that in the coming months we will finalize two additional agreements that are likewise equitable and just for the ranchers who are transitioning out of ranching in the Gila. We still have much work before us to build on this fragile common ground.

Our hope and belief is that we are creating a Greater Gila that can be a sanctuary for wolves—and other endangered wildlife. We also believe we are creating new opportunities for people to envision a future that is beyond the wolf-cattle conflict. A future beyond the rancher-environmentalist conflict. A future beyond fear.

* John Horning is Executive Director of WildEarth Guardians.

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**RESPECTING OUR SCIENCE AND WAYS OF KNOWING: INDIGENOUS PEOPLES FOOD SOVEREIGNTY, TRADITIONAL LIFEWAYS AND CLIMATE CHANGE: OUTCOME DOCUMENT**

Indigenous Peoples from North, Central and South America, as well as the Arctic gathered in Ixtlan de Juarez, Northern Zapoteco Territory, Oaxaca Mexico, from August 24-26, 2018, at the “Respecting Our Science and Ways of Knowing: Indigenous Peoples Food Sovereignty, Traditional Lifeways and Climate Change” convening. We express thanks to our hosts, the traditional authorities and community of Ixtlan de Juarez, who provided their beautiful Ecourixtlan community center in the mountains of Northern Oaxaca for our gathering.

We thank the Nahuatl ceremonial leader who opened our gathering with prayers, recognition and gratitude for the Creator, Mother Earth, the four Directions and all the sacred, beautiful gifts of Creation. We also thank Cultural Survival and the International Indian Treaty Council for organizing this gathering which provided us with an important opportunity to share our Indigenous stories, teachings, experiences, spiritual understandings and scientific knowledge about the phenomenon now called climate change, its causes, impacts and solutions, based on our own ways of knowing. Our stories and science confirm that the climate has always changed, in natural cycles. We have been able to adapt as needed. However, the swift moving extreme impacts of human-produced climate change are producing critical challenges for our survival.

Based on what we have heard, learned and shared, we adopt by consensus the following:

1. In our cause we are of one heart and one mind in defense of our Mother Earth. There are many stories we have as Indigenous Peoples. They are different stories, but they have a commonality. They teach us how to live in harmony with the natural world and with each other, to not be greedy or take more than we need. These stories, passed down to us by our ancestors, tell us what can happen if we do not follow the original instructions. They also offer solutions through the ceremonies, stories, songs, practices, seeds, plants, and animals that we need to return our Peoples and the world to balance and good health. It is up to us to continue, and where needed, to revitalize these practices and to ensure that they are passed down to our children and our coming generations.

2. We recognize the extreme crisis that we are facing through our Indigenous science and ways of knowing, and the realities we are living “on the ground”. If we agree to share this knowledge for the good of all humanity, it must be based on respect for our rights and the commitment by countries to implement real changes in their methods of production and concepts of development.

3. We demand that the countries hold corporations accountable for the damage they have done in our homelands, enforce human rights standards for business activities, halt imposed development and resource extraction in Indigenous lands and territories, respect the collective rights of Indigenous Peoples, and implement a just transition to sustainable energy and food production methods that are culturally, spiritually and environmentally appropriate.

4. We reject and denounce the continued criminalization by countries and corporations of the defenders of Human, Treaty, Environmental, and Indigenous Peoples Rights. We demand full and effective access to justice for these defenders and for all Indigenous leaders and communities facing repression, threats, criminalization, imprisonment, assassination, forced disappearances, displacement, imposed development, resource extraction, and other violations of their rights.
5. We confirm that our Food Sovereignty is based on our fundamental relationships, responsibilities and rights to our lands and territories, plants, seeds, animals, water and other essential life-giving elements. The abundance of natures’ biodiversity is defined and nurtured by the cultural understandings, languages, and ancestral practices that have sustained us as Indigenous Peoples since immemorial.

6. We affirm that Food Sovereignty, as a rights-based approach focused on small-scale culturally-appropriate food production, is a pre-condition for Food Security as affirmed in the Declaration of Atitlan. We recognize that Climate Change poses a major threat to our Food Sovereignty and traditional food systems which requires our immediate, collective response. We reaffirm the vital role of our traditional food ways, sources, eco-systems and cultural practices which have maintained the natural balance and the health of our communities. They will also be the basis of our adaptation, mitigation and survival strategies.

7. We affirm the importance of continuing to hold gatherings, such as this one, where Indigenous Peoples and our allies can share the impacts as well as solutions -- including methods, seeds, stories and teachings -- with one another. We also reaffirm the important role of our Indigenous community in developing and disseminating information and education about these issues.

8. We recognize that the plants and animals which are our traditional foods and medicines such as corn, mushrooms, quinoa, potatoes, reindeer and salmon, possess their own knowledge, teachings and instructions which they are willing to share with us if we know how to listen to their voices. Likewise, the traditional ecosystems, including the forests, deserts, mountains, oceans, rivers, tundra and wetlands which we call our homes are vitally necessary for maintaining the Earth’s ability to mitigate climate change. We must protect them, for their survival and our own.

9. We reject industrial models of so-called climate solutions such as carbon trading, forest and other types of carbon offsets, “clean coal”, “sustainable/green mining”, nuclear power, bio- and geoengineering, waste gasification among other false solutions. Science confirms that only by dramatically reducing carbon emissions produced by fossil fuels, deforestation, industrial farming and other sources, will halt the accelerating rates of greenhouse gasses in the atmosphere which cause Climate Change. The dire impacts already include ocean warming and acidification, rising sea levels, massive forest fires, extreme and unpredictable weather conditions including droughts, and floods among others. The extinction of culturally-vital food species, such as salmon are also threatened.

10. We reconfirm the collective position of Indigenous Peoples that culture is an essential pillar of sustainable development, as endorsed by Indigenous Peoples during Rio + 20, the UN Sustainable Development Goals process and the 21st Conference of the Parties of the UN Framework on Climate Change.

11. We affirm that upholding Indigenous Peoples’ rights to traditional knowledge and cultural heritage, free prior and informed consent, full participation in decision-making, lands
and territories and self-determination together with all the other rights affirmed in the UN Declaration of the Rights of Indigenous Peoples, is a requirement for implementing global, national and local solutions to Climate Change. In our firm view, Indigenous traditional knowledge holders and practitioners, Indigenous youth who face the most serious impacts, and Indigenous women, who have an essential role in food production and knowledge transmission, must be included as essential participants in these discussions at all levels. We also call for increased access for Indigenous communities to international bodies, processes, treaties, and declarations that affect their rights and ways of life including necessary information for their informed participation.

12. We affirm that the creative strategies and adaptive innovations required to ensure survival for our Peoples and future generations will be developed and implemented first within and among Indigenous communities based on our own ways of knowing and being. These grassroots, community-based strategies and innovations can then be transmitted to impact policy change at the national and international levels. Examples presented at this gathering include original seed repositories/sanctuaries, pesticide-free insect control methods, inter-tribal and cross-border seed exchanges, youth training and capacity building programs, organic farming cooperatives, original ecosystem restoration, rainwater harvesting, sustainable reforestation and forest management, community eco-system monitoring, and solar food drying and storage. Community education involving youth, elders, tribal leaders and the entire community is also vital to build engagement, knowledge and understanding.

13. We recognize and congratulate the Indigenous Peoples, communities and organizations which, in the face of many adversities and hardships, continue to implement innovative projects, programs and institutions using traditional methods, structures, and principles as well as our own definitions of sustainable development and well-being. In this way we are working to restore and strengthen our traditional food systems, defend our rights, transmit knowledge to new generations, implement self-determination and self-governance, carry out sustainable land and resource management, uphold our Treaties and provide a healthy way of life for our families, communities and Nations. These achievements provide inspiration and practical models for other Indigenous and non-Indigenous communities seeking solutions. We also express our support and solidarity for those Indigenous Nations, Peoples and communities which have declared their territories to be Indigenous Food Sovereignty Zones that are free from or prohibit GMOs, pesticides and extractive industries, and other destructive activities, so that traditional varieties can be protected and cultivated.

14. While we reject “extractive research” carried out without our free, prior and informed consent, we value the contributions of the western science including biologists, medical doctors, geologists, atmospheric researchers and others who are willing to collaborate with us to share data and studies about the growing threats posed by the climate crisis. We agree to work with them to add to our mutual understanding based on mutual respect and recognition of our distinct Indigenous scientific knowledge systems and our rights to cultural heritage and genetic resources.

15. We call on governments and decision-makers at the tribal, community, municipal, national and international levels, to listen to the Western and Indigenous scientific communities,
and traditional knowledge holders, to make informed, wise decisions, to halt the policies and practices of imposed resource extraction that continue to accelerate Climate Change with devastating results. As human beings, we are all on the front lines of this struggle. We all share the responsibility for immediate action.

We commit to remaining strong in the struggle for survival that is called Climate Change. The forces that have created this crisis and which continue to carry out their destructive activities are many and powerful. But we are powerful too and our power comes from being who we are, sharing and supporting one another, and following our original ways, teachings and instructions as caretakers of the natural world. We will retain our Indigenous teachings and pass them to our grandchildren, so that all the grandchildren of the world can live.

Adopted by consensus on August 26, 2018 in Oaxaca, Mexico

HOW THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES CAN BE IMPLEMENTED IN BC LAW, POLICY AND PRACTICES — NEW REPORT"

Union of BC Indian Chiefs

Posted by Ellena Neel 5 on November 27, 2018, https://www.ubcic.bc.ca/undrip_bc_law.

(Coast Salish Territories/ Vancouver) A report released today outlines for the first time what implementation of the United Nations Declaration on the Rights of Indigenous Peoples could and should look like in BC law, policy and practices; the BC government has explicitly committed to adopt and implement the UN Declaration.

The report, True, Lasting Reconciliation: Implementing the United Nations Declaration on the Rights of Indigenous Peoples in British Columbia Law, Policy and Practices was released by the Union of BC Indian Chiefs (UBCIC) and the Canadian Centre for Policy Alternatives–BC Office (CCPA-BC.) It challenges politicians, government officials and the public to take the next steps to give the UN Declaration meaning on the ground in constructive, impactful and practical ways.

“There is significant unfinished business in order to address the legacy of colonization of Indigenous peoples in Canada, and significant changes to legal and policy frameworks are needed to confront this legacy,” says Kukpi7 Judy Wilson, Secretary-Treasurer of the UBCIC. “We prepared this report to make it clear how to do so, taking the UN Declaration as the framework for reconciliation, as identified by the Truth and Reconciliation Commission.”

The report outlines current efforts to implement the UN Declaration in British Columbia and makes recommendations for going forward.
“I think many people in BC, both political leaders and members of the general public, will find this report helpful,” says Seth Klein, outgoing Director of the CCPA-BC.

“It is widely understood that implementing the UN Declaration is fundamental to adopting the Truth and Reconciliation Commission Calls to Action. Many British Columbians want to honour those calls, but we lack clarity about what implementing the UN Declaration concretely looks like in our province. This report provides some tangible direction,” he added.

The report explains that implementation of the UN Declaration is a central political and public policy issue around the world and extensive dialogue is needed about how it can be put into action.

“Implementation of the UN Declaration will involve a diverse and dynamic set of legislative and policy shifts by government,” notes Wilson. “It supports action by Indigenous Nations to exercise self-determination and to rebuild and revitalize their own governments, structures, legal systems and jurisdiction over their territorial lands and resources including reforming existing land policies for treaty and rights-based, consent-based, agreement-making.

“Fundamental to the UN Declaration is an understanding that government must move from a ‘duty to consult’ to a genuine process of obtaining free, prior and informed consent of Indigenous Nations in all matters pertaining to their inherent Title and Rights and self determination,” she added.

The report outlines foundational principles for implementing the UN Declaration, and makes a number of wide-ranging recommendations that build upon the Commitment Document between the BC government and the First Nations Leadership Council (which comprises the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs).

The recommendations include:

- A core element of reconciliation is that the UN Declaration should be embedded in BC law, by passage of framework legislation that is modelled on and builds upon the federal Bill C-262 (introduced by MP Romeo Saganash). Establishment of the BC law must be co-developed and co-drafted with Indigenous organizations. Among other things, it should oblige the BC government to adopt an implementation Action Plan; to systematically review all BC laws, policies and practices to ensure compliance with the UN Declaration; and to include a mechanism for ongoing independent oversight and accountability to ensure implementation of the Action Plan.
- Implementation of the UN Declaration requires a focus on Indigenous self-determination, meaning that implementation will look different in different places. Efforts of governments or other actors cannot prescribe, define or determine Indigenous peoples’ own priorities. The government must be prepared to appropriately resource Indigenous peoples in their self-determining initiatives.
• Tangible action, including advancing new models of consent-based agreements that reflect the minimum standards in the UN Declaration, is crucial in moving this work forward. A concrete example is the June 27, 2018 Letter of Understanding between the BC government and the ‘Namgis, Mamalilikulla and Kwikwasut’inuxw Haxwa’mis First Nations regarding finfish aquaculture farms in the Broughton area. The letter specifically speaks of the application of the UN Declaration and utilization of processes of consent-based decision-making.

• The government should undertake public education and outreach to raise awareness of the UN Declaration in BC within the public service, the school system and for the general public.

The UBCIC and CCPA acknowledge funding for this project from the Law Foundation of British Columbia.

True, Lasting Reconciliation
Implementing the United Nations Declaration on the Rights of Indigenous Peoples in British Columbia in Law, Policy & Practices

Union of British Columbia Indian Chiefs, NOVEMBER 2018

Full report available at: policyalternatives.ca/ UNDRIP-BC

Summary

THE IMPLEMENTATION OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UN Declaration) is a central political and public policy issue around the world, and more dialogue needs to take place on how the UN Declaration can and should be put into action. The full-length report (available at www.policyalternatives.ca/UNDRIP-BC) helps to fill the gap by advancing discussion on the implementation of the UN Declaration in British Columbia. It challenges politicians, officials, advisors, experts and the public to explore a range of avenues about how the UN Declaration can be given meaning on the ground in constructive, impactful and practical ways. Inspiring our research is a strong belief that there exists significant unfinished business to address the legacy of colonization of Indigenous peoples in Canada, and that addressing this legacy requires significant changes to legal and policy frameworks.

The report takes stock of current efforts to implement the UN Declaration in British Columbia, identifies roles and responsibilities in implementation efforts and makes recommendations on actions going forward. There now exists wide agreement in Canadian and
British Columbian society that the Calls to Action made by the Truth and Reconciliation Commission (TRC) must be adopted. Fundamental to the TRC’s final report is Call to Action 43:

We call upon the federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

This means that one cannot be in support of the TRC Calls to Action without also being in favour of full implementation of the UN Declaration.

Our research concludes that implementation of the UN Declaration will involve a diverse and dynamic set of legislative and policy shifts by government; action by Indigenous Nations to rebuild and revitalize their governments, structures and legal systems; and changes in processes and patterns of relations, negotiations and treaty and agreement-making, including a shift from consultation to consent-based decision-making (see box on “Free, Prior and Informed Consent”). Fundamental to the UN Declaration is an understanding that government must move from a “duty to consult” to a genuine process of obtaining free, prior and informed consent of Indigenous Nations in all matters pertaining to their Title and Rights.

What is free, prior and informed consent?

Indigenous peoples have the right to self-determination, which the United Nations recognizes as a fundamental human right. This includes the right to determine their own priorities and control how their lands and resources will be used and for what purposes.

First Nations, Inuit and Métis peoples also have the right to fully participate in federal, provincial and territorial decision-making processes that have an impact on their rights. The federal, provincial and territorial governments also have a responsibility to ensure that their decisions, and those of third parties, do not contribute to further harms to Indigenous peoples.

In this broad context, Indigenous peoples have a clear right to determine for themselves whether to say “yes”’ or “no” or “yes with conditions,” whenever governments or corporations propose actions that could have an impact on their lives, lands, jurisdictions and future. The exercise of this aspect of the right to self-determination is known as “free, prior and informed consent,” or FPIC.

Indigenous peoples must have access to all relevant information to make their decisions. This may require the translation of information into Indigenous languages. This may also require access to independent assessment of the proposal and its potential consequences, including possibly through a formal environmental and social impact assessment process. Critically, Indigenous peoples must have the time and opportunity to reach an informed conclusion based on their own forms of decision-making. The process must be free of intimidation, threat of retaliation or other forms of duress.
There does not exist, nor can there exist, a “one size fits all” model of Crown-Indigenous relations that is consistent with the UN Declaration, nor is there a single legislative or policy action that will see the UN Declaration reflected on the ground in the life of British Columbians. Iterative actions, which pursue change systematically and build on one another, are required. The report outlines the work that all groups must do to advance the transformational changes that are needed for full and unqualified implementation of the UN Declaration in this region, where Indigenous Title is unceded and yet Indigenous Rights have been too long marginalized in the daily, ongoing practices of governance.

The report outlines foundational principles for implementing the UN Declaration, and then makes a number of wide-ranging recommendations that build upon the Commitment Document that has been signed by the BC government and the First Nations Leadership Council (which comprises the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs). Among our report’s recommendations are the following:

- A core element of reconciliation is that the UN Declaration should be embedded in BC law, by passage of framework legislation that is modelled on and builds upon the federal Bill C-262 (introduced by Member of Parliament (MP) Romeo Saganash). This Act must be co-developed and co-drafted with Indigenous organizations. Among other things, it should oblige the BC government to adopt an implementation Action Plan; to systematically review all BC laws, policies and practices to ensure compliance with the UN Declaration; and to include a mechanism for ongoing independent oversight and accountability to ensure implementation of the Action Plan;
- Implementation requires a focus on Indigenous self-determination. This means that implementation will look different in different places. Efforts of governments or other actors cannot prescribe, define or determine Indigenous peoples’ own priorities. Crown governments must create the space that ensures they can be appropriately responsive to paths determined by Indigenous peoples;
- Moving forward, tangible steps on the ground are needed to turn words into action (and this report offers some recent positive examples); and
- The government should undertake public education and outreach to raise awareness of the UN Declaration in BC, both within the public service and the general public.

Additional documents


Commitment Documents between the BC Government and the First Nations Leadership Council:


The full report is at: https://d3n8a8pro7vhmx.cloudfront.net/ubcic/pages/3894/attachments/original/1543299014/UBCIC_CCPA-BC_TrueLastingReconciliation_full.pdf?1543299014.

To arrange an interview with Chief Judy Wilson, please contact Ellena Neel, Union of BC Indian Chiefs, (778) 866-0548, eneel@ubcic.bc.ca.

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REDEFINING DEVELOPMENT:
A PERSPECTIVE FROM INDIGENOUS PEOPLES IN ASIA

Patricia Wattimena*


Asia is currently seeing unprecedented economic growth averaging at 4.5 percent for the last 25 years. China reached annual growth of 6.9 percent in 2017 and India reached 8.2 percent in the first half of 2018 making the two countries the main drivers of Asia economy. At the same time, the region remains home to around 560 million people living in poverty, of which 76 percent are marginalized groups including Indigenous Peoples. Implementation of development initiatives focusing merely on economic growth of certain privileged sections of society at the expense of Indigenous Peoples and the environment is a growing concern in Asia.

Sustainable Development Goals (SDGs) adopted by the United Nations in 2015 explicitly recognized the failure of such development approach further causing rapidly widening inequality gaps, hunger and extreme poverty as well as fueling gender based discrimination and violence,
and the countries worldwide committed to address these issues and aim to achieve sustainable development by 2030.

Poverty issues faced by Indigenous Peoples in Asia are multidimensional; aggravated by greater development aggression in the form of land and territorial grabbing. Many development initiatives are implemented by States and private actors directed against the human rights of Indigenous Peoples and environmental sustainability.

All of which are exacerbated by the increasing corporate capture supported by various free trade agreements including the Regional Comprehensive Economic Partnership (RCEP). Similar to other trade agreements, RCEP significantly reduces tariffs for agricultural products, which has severe impacts on Indigenous farmers in the country as they are unable to compete with cheaper imported goods. In the case of Thailand for example, as documented by Foundation for Women and the Asia Pacific Forum on Women, Law and Development (APWLD) in their People’s Development Justice report, the country is currently signing and negotiating 22 trade agreements, including RCEP. This trend of neoliberal economic globalization has been threatening food sovereignty of Indigenous Peoples and making many developing countries in Asia more and more dependent on imported agricultural goods.

Meanwhile, there has been a rise of authoritarian governments and militarization of Indigenous territories in the region. Under Duterte regime, the Philippines is currently the deadliest country in Asia for land and environmental defenders, many of whom are Indigenous. At least 63 killings have been documented by human rights watchdog KARAPATAN in 2017. The number of killings increased to more than double the recorded number in 2016.

Those targeted have mainly come from movements resisting pseudo-developmental projects in their area. Additionally, Chittagong Hill Tracts, home to 11 Indigenous Peoples in Bangladesh, has been one of the most militarized territory in the world despite its 1997 peace accord.

The SDGs is envisaged as a global tool to help guiding countries to overcome systemic and structural barriers to achieve sustainable development. However, the situation of Indigenous communities is often lumped with national average, making data disaggregation based on ethnicity a pivotal factor to identify and implement effective measures to materialize sustainable development for Indigenous Peoples.

Dearth of data disaggregation by ethnicity harming Indigenous Peoples and worsening their situation was already a blunder of the Millennium Development Goals (MDGs). While many Asian countries claimed to have achieved significant progress through MDGs implementation, Indigenous Peoples have been sorely left behind. In Vietnam, Indigenous Peoples constitute 14 percent of the national population but are 56 percent of the country’s poor. In Malaysia, while national average for child mortality rates is 8 per 1000 live births, Indigenous Peoples in the country continue to experience 22 child mortalities per 1000 live births.

Effective implementation of the SDGs for Indigenous Peoples is furthermore hindered by the absence or lack of national laws and policies recognizing and protecting their rights as guaranteed by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Indigenous Peoples’ Rights Bill (RUU PPHMA) in Indonesia has not been enacted despite being included in the priority list of the national legislation program since 2011.

In many Asian countries, rights of Indigenous Peoples are recognized by international human rights instruments yet these same standards are increasingly contested and violated by
governments and private sector. Their rights are further undermined by contradictory laws and policies criminalizing Indigenous communities, causing conflicts, depriving them of their lands and territories. Implementation of ILO Convention 169 on Indigenous and Tribal Peoples at national level remains a significant challenge, even in the case of Nepal, the only Asian country that has ratified the 1989 Convention.

Fulfillment of their right to self-determined development is a precondition for Indigenous Peoples to effectively contribute to the realization of sustainable development. Their collective rights, including the right to Free, Prior and Informed Consent (FPIC) has to be ensured. Particularly for Indigenous women who are disproportionately affected by development aggression. Their FPIC has to also be obtained within their own community, to ensure that genuine participation of Indigenous women is in place and their voices are heard at every level of both internal and external decision making processes.

Indigenous Peoples are evicted, murdered and deprived of their territories to give way to ‘development’, quite often accompanied by massive environmental destruction. Development for whom then? We are living in a world where inequality is growing at an alarming rate and the richest one percent are predicted to own two-thirds of the world’s wealth by 2030, if the current development system supporting capitalism and neoliberal economy continues. Our world, threatened by extreme change of climate causing drought, floods, food scarcity is pushing hundreds of millions of Indigenous Peoples into extreme poverty. The situation will only get worse from here if development continues on this business as usual track.

Development needs to be redefined along different lines. Fundamentally, should it not bring justice to those who need it most, instead of causing bloodshed and environmental destruction? Seemingly basic assumptions that so often go unchecked. More than ever, we are seeing Asia as a central region that will shape the globe’s political and economic design for the indefinite future. And yet we stare at the disastrous ‘development’ wrought upon its people. For Indigenous Peoples, comprehensive implementation of the UNDRIP is prerequisite to progress towards sustainable development. The term development itself deserves better. It deserves to be upheld by those who would defend human rights and not surrender it to the market driven forces that seek profit at the expense of our future.

*Patricia Miranda Wattimena is the former advocacy coordinator at Asia Indigenous Peoples Pact in Thailand.

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DISCRIMINATION AGAINST INDIGENOUS PEOPLES, FROM LEGAL TEXTS TO POLICING PRACTICE

Miranda Wattimena*


By Patricia Miranda Wattimena

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Over 370 million Indigenous people worldwide, the majority of whom live in Asia, face various forms of suppression and rights violations that can often be directly or indirectly
attributed to the legacies of colonialism. In 19th-century Indochina, colonial governments recognized the presence of Indigenous peoples and referenced them in the new European-style legal frameworks, but the terms introduced to describe these groups almost always had negative connotations suggesting that Indigenous societies were savage, uncivilized, primitive, and backward. Sadly, despite Indigenous movements’ decades-long struggles and the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007, discriminatory language introduced by colonialists is still commonly used by governments and mainstream societies—and, in some countries, even remains in legal texts.

In the Asian context, this problem is further complicated by the failure of national authorities to introduce (or accept) the term and concept of “Indigenous,” which recognizes the unique positions and distinctive rights of the peoples it describes. Instead, in many countries, the term native, tribal, ethnic minorities among others are still used in many laws, including those regulating lands and resources. This causes confusion and, in most cases, hinders Indigenous peoples from protecting and asserting their rights. In Indonesia, for example, while the government recognizes ethnic minorities and customary law communities, it contends that the concept of Indigenous peoples as is laid out in the UNDRIP does not apply. The government is thus able to circumvent its international obligations regarding Indigenous Peoples, including protections for collective rights, self-determination, and more. The Indigenous Peoples' movement in Indonesia has strongly criticized the state’s position, as have groups in other Asian nations that use similar arguments to evade U.N. human rights standards.

Colonization is not only economic domination by the colonizer; it is also connected to the basic values and systems of the colonized. For instance, before being colonized, many Indigenous groups had maintained their own socio-political and legal systems, governance structures, and social norms for generations. Most of them were destroyed, however, when colonial governments imposed their values and systems on the Indigenous populations.

During colonization, manipulation schemes and strategies were employed by colonizers to remove Indigenous peoples from their land and exploit their natural resources. Millions of Indigenous families were forcibly displaced and deprived of their livelihoods. This massive violation of the collective rights of Indigenous peoples has yet to be rectified, and the legacies of systemic marginalization and discrimination are exacerbated by today’s criminal justice systems. Movements of Indigenous peoples seeking equal access to basic services such as health and education have often been oppressed.

Indigenous leaders and activists have been criminalized, persecuted, and even murdered. Porlajee Rakchongcharoen (also widely known as Billy), a prominent Karen land activist in Thailand, has been missing since 2014, when he was detained by four Kaeng Krachan National Park officials after being accused of illegal possession of a wild bee honeycomb and six bottles of honey. In 2016, Bahtiar bin Sabang, an Indigenous farmer from the Sinjai district in South Sulawesi, Indonesia, was sentenced to one year in prison for allegedly stealing 40 pieces of timber from his own land, which was arbitrarily claimed by the Sinjai government as a state forest area.

Indigenous communities defending their rights and identities—particularly their collective rights to self-determination, territories, and resources—are in most cases labeled as criminals and regarded as threats to national security and sovereignty. Across the world, thousands of human rights defenders, including Indigenous women and youth, have been
incarcerated for asserting their rights and standing against the marginalization they face. In April 2017, for example, 14 members of Seko communities in Sulawesi, Indonesia, were detained and more than 400 Seko Indigenous women were beaten, slammed into the ground, and shot with tear gas by police for building tents and barricades to protest a hydroelectric power plant project in their ancestral territory.

Justice will only be realized when the colonial-era legacies of marginalization and discrimination are eliminated and Indigenous Peoples’ rights, particularly their collective rights to lands, territories, and resources, are recognized, respected, and promoted by all parties, from local police officers to the highest levels of government.

*Patricia Miranda Wattimena is the former advocacy coordinator at Asia Indigenous Peoples Pact in Thailand.

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AN APPEAL FROM BRAZIL:
UNION OF PEOPLES OF THE VALE DO JAVARÍ REPRESENTATIVE SPEAKS OUT

Beto Marubo*


Dear Partners,

I’m sharing with you news from Brazil that, starting this year, will become the norm in the Brazilian Amazon. As an Indigenous person from the Vale do Javari, the second biggest Indigenous territory in Brazil and the home of the largest number of people in voluntary isolation, I’m coming forward to express my concern to each one of you about the vulnerability of my isolated relatives, who depend on the federal government for their protection. The government’s legal responsibility for them is clear and indisputable.

Our outlook now is that all the systems that protect our forests, our mother earth, are likely to be undermined in favor of agribusiness, mining, loggers, etc…Given this context, we need each one of you to help us spread the word about this situation to all corners of the world, especially to those actors in global markets who contribute to situation in Brazil. We need to join forces to confront these threats. I say this in the name of my people, the Marubo, but also of the Matis, Kanamary, Kulina, Mayoruna, Korubo and so many other Indigenous relatives who may not currently, or ever, have the same opportunity I do to express themselves. I’m depending on the support of each and every one of you.

*Beto Marubo is the Representative of the Union of Peoples of the Vale do Javari – UNIVAJA, in Brazil.

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In the wake of Jair Bolsonaro’s recent election to the office of President of Brazil, Cultural Survival stands in solidarity with the country’s Indigenous Peoples for whom Bolsonaro’s election has serious and life-threatening implications. During his divisive and polarizing campaign, Bolsonaro said “not one centimeter of land will be demarcated for Indigenous reserves or quilombolas [Afro-Brazilian communities],” and that Indigenous lands would be opened to economic exploitation, including agribusiness and mining.

He has stated, “Our Amazon is like a child with chickenpox, every dot you see is an Indigenous reservation … and the Brazilian people applaud [demarcation of Indigenous land]. Look at these people, no political strategy!”

He campaigned on statements like: “Let’s make a Brazil for the majorities. Minorities have to bow to the majorities! The Law must exist to defend the majorities. Minorities must fit in or simply disappear!” He has made statements that incite hatred and violence: “To the people of Roraima state, in 2019, we are going to rip up Raposa Serra do Sol Indigenous Reserve. We are going to give all the ranchers guns.”

Environmental protections are also at risk. Bolsonaro made promises to ease “excessive” oversight by the country’s environmental watchdog and combine the Ministry of the Environment and the Ministry of Agriculture and Livestock. Especially at risk are environmental defenders themselves. Already experiencing extreme violence from police, military, and private security of ranchers, those defending Indigenous land and the Amazon face increased militarism and violence. In his own words, Bolsonaro bragged, “I’ll give carte blanche for the police to kill.”

Brazil is bound to international law agreements like the International Labour Organization Convention 169 on Indigenous and Tribal Peoples, which it ratified in July 2002; the Convention on the Elimination of All Forms of Racial Discrimination, which it ratified in 1968; and voted for the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007. Let us all work towards protecting these rights and using these international standards to promote democracy, justice, and peace for Indigenous Peoples of Brazil, as well as for the multitude of others who are threatened by the Bolsonaro regime; including the LGBTQI+, community, Afro-Brazilians, feminists, farmers, immigrants, environmental defenders, and rural communities.

Cultural Survival joins in solidarity with the courageous communities who are actively resisting these oppressions. We deplore the actions that undermine peace and the fulfilment of human rights and condemn racism and a call to violence. As Indigenous Peoples around the world fight to claim their rights and dignity, we call upon global solidarity to support their struggles.
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/](http://www.indigenouspolicy.org/ipjblog/).

RESEARCH NOTES

**TRIBAL PEOPLE FACE DISPROPORTIONATE IMPACT FROM CLIMATE CHANGE**

Mark Trahan*


An immediate threat cited by the report is that many communities will again have to move away from tribal homelands.

A new climate report released Friday by the Trump administration predicts significant -- and expensive -- impacts on the planet as a result of climate change. The threats from weather-related catastrophes are already clear: Stronger and more frequent hurricanes, deadly heat waves, and more intense destructive wildfires.

The changing climate is a threat to “Indigenous peoples’ livelihoods and economies, including agriculture, hunting and gathering, fishing, forestry, energy, recreation, and tourism enterprises,” the report says. Though Indigenous peoples "may be affected by climate change in ways that are similar to others in the United States, Indigenous peoples can also be affected uniquely and disproportionately."

Even Native culture is a risk as well as increased health threats from increased asthma to diabetes rates.

The report says: "Many Indigenous peoples have lived in particular areas for hundreds if not thousands of years, and their cultures, spiritual practices, and economies have evolved to be adaptive ... Indigenous knowledge systems differ from those of non-Indigenous peoples who colonized and settled the United States, and they engender distinct knowledge about climate change impacts and strategies for adaptation. Indigenous knowledges, accumulated over generations through direct contact with the environment, broadly refer to Indigenous peoples' systems of observing, monitoring, researching, recording, communicating, and learning and their social adaptive capacity to adjust to or prepare for changes. One of these knowledge systems that
is often referred to in the context of climate change is traditional ecological knowledge, which primarily focuses on the relationships between humans, plants, animals, natural phenomena, and the landscape."

“While the lands, waters, and other natural resources of Indigenous peoples hold sacred cultural significance, they also play a principal role in ensuring the viability of these communities’ economies and livelihoods,” the report says. “Tribal trust lands provide habitat for more than 525 species listed under the Endangered Species Act, and more than 13,000 miles of rivers and 997,000 lakes are located on federally recognized tribal lands.”

What’s at most at risk is the traditional subsistence economy. “Such economies rely on local natural resources for personal use (such as food, shelter, fuel, clothing, tools, transportation, and arts and crafts) and for trade, barter, or sharing,” the report says. “Climate change threatens these delicately balanced subsistence networks by, for example, changing the patterns of seasonal timing and availability of culturally important species in traditional hunting, gathering, and fishing areas.”

Climate report identifies more than 800 activities that Indigenous peoples and their partners have undertaken in the last decade. (Fourth National Climate Assessment report)
Chapter 15 of the federal assessment is labeled: “Tribes and Indigenous Peoples.” The report also features a hyperlink to a Bureau of Indian Affairs map and reports about various tribal efforts ranging from case studies to adaptation projects. These are also included in a U.S. Climate Resilience toolkit.

One of the case studies focuses on the Yukon Delta in Alaska.

“The Arctic and Subarctic regions are warming faster than anywhere else on Earth. In recent years, residents of the Yukon Delta have noticed unusual conditions. They’ve seen warmer winters with less snow and more unpredictable weather. Ice on the rivers and sea is thinner than in the past, and break-up of ice happens earlier in the year. With reduced snow cover and ice that can’t support the weight of people traveling over it, hunters are restricted to smaller areas, and they can have difficulty harvesting the game upon which they depend,” the case study reports.

The report asks questions that neither Congress nor the Trump administration has answered. Namely: “Especially among young residents, people wonder, ‘Where will we get the resources we need in the future? Will we need to build roads or change some of our traditions to continue thriving?’”

Where, indeed. Governments only have two choices when it comes to dealing with climate change. First, spend lots of money trying to slow climate change by reducing fossil fuels and other impacts on the environment. That's called mitigation. Or, two, spend lots of money adapting to a changing environment or adaptation. Scratch that. It’s not either, or. The only issue is how much of our resources will be spent on mitigation and how much will be spent on adaptation. Both will cost. And both will be expensive -- and tribes will be spending significant sums with or without help from the federal government.

President Donald J. Trump’s administration continues to downplay climate threats. In a statement Friday, White House spokeswoman Lindsay Walters said the report began in the Obama administration and that it relies too heavily on the worst-case-scenario.

"The report is largely based on the most extreme scenario, which contradicts long-established trends by assuming that, despite strong economic growth that would increase greenhouse gas emissions, there would be limited technology and innovation, and a rapidly expanding population," Walters said in a statement.

She said the next climate assessment, which will be prepared over the next four years, will "provide for a more transparent and data-driven process that includes fuller information on the range of potential scenarios and outcomes."

The National Climate Assessment is required by law. It includes an extensive database of scientific data and links to dozens of federal agencies that are actively involved in climate-related studies, mitigation, or adaptive activities. The report is the fourth comprehensive look by the federal government at climate change and is produced by 13 federal departments and agencies.
and coordinated by the *U.S. Global Change Research Program* [available at: https://nca2018.globalchange.gov/chapter/15/].

While the report is clear about its harsh assessment of the impact of climate change, or global warming, it also says that Indigenous knowledge is essential. The report says: “Indigenous knowledge systems can play a role in advancing understanding of climate change and in developing more comprehensive climate adaptation strategies, in part because they focus on understanding relationships of interdependency and involve multigenerational knowledge of ecosystem phenology (the study of cyclic and seasonal natural phenomena) and ecological shifts. For example, Inupiat residents in Alaska have identified cyclical patterns of coastal erosion, and their understanding of how quickly and in which direction wind and wave energy reaches the coast can help communities prone to flooding. Indigenous adaptation planning, including considerations of issues such as flooding and water rights, benefits from a greater focus on participatory planning in natural resource management.”

But how will tribes implement Indigenous knowledge for either adaptation or mitigation when the cost of doing so is expensive?

The report says “when ecosystems or species’ habitats or migration routes shift due to changes in climate, tribes’ rights to gather, hunt, trap, and fish within recognized areas are constrained by reservation or other legally defined borders, making adaptation more challenging. This is also the case when federal or state regulations fail to prioritize Indigenous peoples’ access to traditional resources. Tribes with non-contiguous reservation lands can be negatively impacted by non-tribal landowners who do not support climate adaptation efforts, and many Indigenous peoples lacking federal recognition often lack the autonomy, funding, and governmental support to address climate change. Because of these and other considerations, decisions regarding natural resource use are often made without appropriate consultation and collaboration with Indigenous peoples, a process that further inhibits local adaptive capacity.”

The report says tribes require additional resources for emergency services.

“As in many communities, Indigenous peoples are experiencing climate change impacts from more frequent and severe weather events, including drought, heat waves, hurricanes, torrential downpours, and flooding,” the report says and it says the federal government does recognize tribal authority to manage disaster recovery. “However, many tribes continue to face hurdles to disaster management and disaster risk reduction planning.”

One such hurdle is the cost. “Federal programs are designed to offer extensive emergency relief after disasters have occurred, but they have only limited funding for hazard mitigation or preparation for long-term environmental change. Most slow-onset disasters, such as erosion, are absent from the federal government’s primary disaster recovery legislation, the Stafford Act, making it particularly challenging to prepare for changing coastlines. Additionally, the low population and rural contexts of many Indigenous communities limit the score they can receive in state and federal cost–benefit analyses, which also severely limits funding for disaster risk reduction.”
An immediate threat from the report is that many communities will again have to move away from tribal homelands. “Many Indigenous peoples are now facing relocation due to climate-related disasters, more frequent coastal and riverine flooding, loss of land due to erosion, permafrost thawing, or compromised livelihoods caused by ecological shifts linked to climate change,” the report says. “Throughout the 18th, 19th, and 20th centuries, Indigenous peoples were removed in large numbers from their homelands by settler colonial governments, leading, in many cases, to death, diaspora, and socioeconomic struggles. The historical context of forced relocations of Indigenous peoples emphasizes the need for relocation frameworks that protect self-determination.”

Yet relocation is already a serious debate for tribal communities in Alaska, the Southeast, the Pacific Islands, and the Pacific Northwest. Yet, the report says, because many tribal communities are facing slow-onset disasters, the tribes fail to qualify for relocation funds because they have not been declared federal disaster areas. The report says there is no single “comprehensive federal program to assist tribes with relocation effort.”

Put another way: There is no federal plan to pay for tribes to relocate away from climate threats.

“Additionally, there is no clear platform through which communities can connect non-Indigenous scientific information with their own knowledge systems to inform local decision-making processes as to whether adaptation is best achieved through relocation or by protecting in place through capital investments such as flood management infrastructure,” the report says. “Finally, even if relocation is agreed on and logistically feasible, the challenges associated with maintaining community and cultural continuity often undermine the objective of the adaptation strategy, and models for mitigating the impacts of relocation on cultural institutions are rare and difficult to replicate.”

The report relies on extensive documentation of both current and future threats to Indian Country. And the studies “conclude that these impacts on livelihoods and economies will increase under future projections of climate change. However, methods for making these determinations vary, and quantitative or modeling results that are specific to Indigenous peoples in the United States are limited.”

The overall report should open up a debate about what steps the government should take next toward mitigation and adaptation as well as how to pay for climate programs, programs that will become increasingly expensive.

As Michael Mann, a professor of atmospheric science at Pennsylvania State University, told National Public Radio over the weekend, “We've just lived through a summer -- an unprecedented summer of weather extremes - droughts, wildfires, floods, superstorms. We are now seeing the impacts of climate change play out in real time. They're no longer subtle. And this report does a very good job in sort of putting meat on the bone -- in providing the science behind what we can already see with our own two eyes - that dangerous climate change is already beginning to happen.”
ARE WE LIVING LONGER? ANSWER IS COMPLICATED FOR INDIAN COUNTRY

Mark Trahant*

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Latest data show that the U.S. life expectancy has declined over the past few years

Are we living longer or not? It may be a simple question. But for Indian Country the answer is complicated.

The Centers for Disease Control and Prevention reported last week in three reports that life expectancy, which averaged 78.6 years in 2017, declined slightly from the year before (a decrease of just 0.1 of a year). The cause for decline was said to be suicide and drug overdoses. The report said more than 70,000 people died of drug overdoses last year alone, a nearly 10 percent increase from 2016 and the highest ever in the United States for a single year. (As a comparison: Only about 17,000 people died of overdoses in 1999.)

The latest data show that the U.S. life expectancy has declined over the past few years,” said the center’s director, Robert R. Redfield. He said in a statement: “Tragically, this troubling trend is largely driven by deaths from drug overdose and suicide. Life expectancy gives us a snapshot of the nation’s overall health and these sobering statistics are a wakeup call that we are losing too many Americans, too early and too often, to conditions that are preventable. CDC is committed to putting science into action to protect U.S. health, but we must all work together to reverse this trend and help ensure that all Americans live longer and healthier lives.”

But what about Indian Country?

The official response: The “National Center for Health Statistics does not routinely calculate life expectancy for American Indians and Alaska Natives because of data quality issues, so we do not have this data available.”

The data comes from death certificates. This has long been a problem in Indian Country because there is often a misclassification of tribal citizens at the time of death. One study reported only slightly more than half of American Indians and Alaska Natives were correctly identified on death certificates in a three decade study between 1979 and 2011.

The first report on mortality said the top ten causes of death have not changed from the previous year, namely, heart disease, cancer, unintentional injuries, chronic lower respiratory diseases, stroke, Alzheimer disease, diabetes, influenza and pneumonia, kidney disease, and suicide. The 10 leading causes accounted for 74 percent of all deaths in the United States in 2017.

The most recent data for Indian Country however shows significant differences. A 2016 mortality report for American Indians and Alaska Natives lists heart disease, cancer, accidents, diabetes, chronic liver disease and cirrhosis, chronic lower respiratory diseases, suicide, Alzheimer’s disease, and influenza and pneumonia.

The second report ranks suicide has ranked as the 10th leading cause of death for all ages in the United States since 2008. (Compared to the 8th most often cited cause of death in Indian Country.) “In 2016,” the Centers reported, “suicide became the second leading cause of death for ages 10-34 and the fourth leading cause for ages 35-54 Although the Healthy People 2020 target is to reduce suicide rates to 10.2 per 100,000 by 2020, suicide rates have steadily increased in recent years.”

The Indian Health Service in its latest fact sheet reports that suicide rates for American Indians and Alaska Natives are 1.7 times higher than the general population.

The third report by the Centers says there were 70,237 70,237 drug overdose deaths in the United States last year. And, the age-adjusted rate of drug overdose deaths in 2017 (21.7 per 100,000) was 9.6 percent higher than the rate in 2016.
In testimony to Congress last March, Michael E. Toedt, IHS’ chief medical officer said: “The impact of the opioid crisis on American Indians and Alaska Natives is immense. The Centers for Disease Control and Prevention reported that American Indians and Alaska Natives had the highest drug overdose death rates in 2015 and the largest percentage increase in the number of deaths over time from 1999-2015 compared to other racial and ethnic groups. During that time, deaths rose more than 500 percent among American Indians and Alaska Natives. In addition, because of misclassification of race and ethnicity on death certificates, the actual number of deaths for American Indians and Alaska Natives may be underestimated by up to 35 percent.”

So is life expectancy getting better or worse? The logical answer is to say that if the age of death is declining in the general population, then it's probably the same trend in Indian Country. But the data is not there.

*Mark Trahant is editor of Indian Country Today. He is a member of the Shoshone-Bannock Tribes. Follow him on Twitter -@TrahantReports. Email: mtrahan@IndianCountryToday.com.

INDIAN HEALTH WAS ON THE BALLOT:
A FEW WINS AND ALASKA IS AT RISK FOR A BIG LOSS

Mark Trahant*


Medicaid expansion wins in Idaho, Utah, and Nebraska; Paulette Jordan's legacy includes new public health insurance

The Indian Health system was on the ballot across the country last week (even if the words were not explicit.) A few wins. And Alaska is at risk for a big loss.

Voters in three states added new money that will go directly to clinics and basic health services through Medicaid expansion. One of the most important provisions of the Affordable Care Act was to allow states to expand Medicaid making it easier for citizens to quality for basic health insurance. Medicaid is a third-party insurance fund that directly benefits Indian health clinics and hospitals.

Last week three states -- Kansas, Wisconsin, and Maine -- also voted for candidates for governor that pledged to follow through with Medicaid expansion.

“Following the vote, nearly 500,000 uninsured adults in five states are poised to gain Medicaid coverage under the Affordable Care Act,” according to the Kaiser Health News. “Three deep-red states passed ballot measures expanding their programs and two other
states elected governors who have said they will accept expansion bills from their legislatures. Supporters were so excited by the victories they said they will start planning for more voter referendums in 2020.”

But in other states there were costly setbacks. Montana rejected a funding mechanism for Medicaid expansion sending it back to the legislature for further debate. And the election of Mike Dunleavy as the new governor in Alaska means changes ahead for Medicaid in that state. (And Republicans, who never did favor Medicaid expansion, now control both houses in the state legislature.)

Medicaid has become a significant funding stream for the Indian health system, it’s particularly important for the non-profit and tribally-operated clinics and hospitals because by law that money remains at the local unit. And, unlike federal appropriations for the U.S. Indian Health Service, the amount of money grows as more patients become eligible for services. What’s more: The federal government reimburses states 100 percent for treatment at Indian health clinics or tribal facilities.

This is how it works: The Indian Health system -- the federal Indian Health Service and the facilities operated by tribes and non-profit organizations -- gets funding directly from Congress through appropriations. That appropriation is currently $5.5 billion through a temporary spending bill that will need to be reauthorized by Dec. 7. But Medicaid is a partnership with state governments, and thus, must be approved by each state.

One legacy of Paulette Jordan’s run for governor is that she helped change the conversation about Medicaid expansion in Idaho. Jordan, Coeur d’Alene, was an early supporter of Proposition 2, a ballot initiative to expand Medicaid despite opposition by the state legislature. And voters were clear: The initiative passed by a wide margin, 60 percent supporting expansion and nearly 40 percent opposed. A week before the election, Idaho’s Gov. Butch Otter endorsed the measure and Gov.-elect Brad Little said he will implement the new law.

Utah voters also approved Medicaid expansion. In that state a sales tax increase will be used to pick up the extra costs associated with the public insurance. The Salt Lake Tribune estimated that 150,000 Utahns will quality for the program.
Kaiser Family Foundation reports 37 states have adopted Medicaid expansion while 14 have not "at this time." (Graphic: Kaiser Family Foundation)

Voters in another conservative state, Nebraska, also picked Medicaid expansion over Republican opposition by both the legislature and Gov. Pete Ricketts.

The Winnebago Tribe of Nebraska recently assumed operational control of the Indian Health Service hospital and renamed it the 12 Clans Unity Hospital. Medicaid expansion could add revenue streams to this facility because more patients would qualify for the insurance. One specific benefit is that Medicaid claims are processed on a regular basis to help facilities cover operational costs, including infrastructure.

Medicaid expansion could also benefit urban clinics in Lincoln and Omaha (as well as a clinic in Salt Lake City). According to the Kaiser Family Foundation one urban Indian health program in Arizona reported that its uninsured rate fell from 85 percent before the Affordable Care Act to just under 10 percent after.

However Montana voters rejected an initiative that would have funded Medicaid expansion through higher tobacco taxes. That state’s Medicaid expansion is set to expire this summer unless the legislature acts. State Rep. Nancy Ballance, a Republican, told
Montana Public Radio that Medicaid does not have to end, but that there will be changes. Several lawmakers have called for adding work requirements for Medicaid recipients. (In Arkansas new work requirements resulted in thousands of people being removed from Medicaid eligibility.)

Alaska’s election could result in the biggest and most severe changes to Medicaid and the Alaska Native medical system. Nearly 40 percent of Medicaid clients are Alaska Natives and the state says most patients rely on the Alaska Native health system (which is reimbursed by the federal government) but that two-thirds of the state funds are now spent on private sector health care.

One in five Alaskans is now covered by Medicaid. Last month at the Alaska Federation of Native convention, Lt. Gov. Valerie Nurr’araaluk Davidson, Yup’ik, said Medicaid expansion has benefited every community in the state. As director of the state’s health agency, Davidson was the architect of the state’s Medicaid expansion.

Alaska Gov.-elect Mike Dunleavy has yet to offer a proposal about how he would restructure or end Medicaid expansion in Alaska. He defeated former Sen. Mark Begich, a Medicaid supporter.

The Kaiser Family Foundation reports as of Nov. 7, 2018, 37 states have adopted Medicaid expansion while 14 have not.

*Mark Trahant is editor of Indian Country Today. He is a member of the Shoshone-Bannock Tribes. Follow him on Twitter -@TrahantReports, mtrahant@IndianCountryToday.com.

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**INDIAN COUNTRY IMPACTED BY A GOVERNMENT SHUTDOWN**

Mark Trahant*


President Trump says he'd be proud to close the government

A holiday closure would impact about a quarter of the government, including BIA and IHS

President Donald J. Trump said Tuesday he will own a government shutdown, should it come to pass. In a theatrical meeting with Democratic leaders, Rep. Nancy Pelosi, D-California, and Sen. Chuck Schumer, D-New York.

“I am proud to shutdown the government for border security, Chuck, because the people of this country don’t want criminals and people that have lots of problems and drugs pouring into our country. So I will take the mantle. I will be the one to shut it down. I’m not going to blame
Pelosi is the speaker designate for the new House that will take office in January. While Schumer is the Democrat’s minority leader in the Senate. Other Senate leaders, including majority leader Sen. Mitch McConnell, R-Kentucky, immediately dismissed a shutdown. He told reporters, “I hope that’s not where we end up.”

Rep. Tom Cole, R-Oklahoma, and a Chickasaw citizen, told NBC News that most GOP lawmakers agree with Trump on border security policy but said the party that shuts down government gets the blame. Last time it was the Democrats. "I don't see the advantage of playing this card in reverse," he told NBC News.

And the politics are tricky. The Congress and the president must enacting a funding bill for parts of the government before Dec. 21. Both the House and the Senate are still controlled by the Republicans and the president must sign any budget deal that passes.

Trump has backed away from a funding fight over the border wall -- and this deadline may be his last chance. Democrats will control the House on Jan. 3, 2019. But even then, as Pelosi pointed out Tuesday, the votes are not there in the current Congress.

Another option, one Schumer told the president, is a temporary budget (called a Continuing Resolution) based on last year’s spending. That could act could fund the government for a few days, weeks, or even through the current fiscal year.

Pelosi told the president that even a limited shutdown could hurt the economy. “The Trump shutdown is something that can be avoided, that the American people do not need at this time of economic uncertainty, people losing jobs, the market is in a mood, and the rest,” she told reporters outside of the White House.

Most of federal agencies already have a spending bill in place, including the Department of Defense, Labor, Health and Human Services, and Education. But the remaining budgets that still need dev action including Homeland Security, and the Interior Department. The Indian Health Service budget is funded through the Interior budget, so that agency would be impacted. Employees would be furloughed and contracts with tribes and health organizations would not be paid on time. The Bureau of Indian Affairs would also be impacted.

The current Continuing Resolution, the one that expires on December 21, also includes a temporary reauthorization for the Violence Against Women Act.

If there is a shutdown some 400,000 employees would be deemed essential and still required to report for work without pay, while another 350,000 would be sent home. Contracts would not be paid until government funding is enacted, and tribes, and other contractors, would have to use their own money to continue operations.
**CONGRESS STILL WORKING ON INDIAN COUNTRY FUNDING BILL**

Mark Trahant*


Congress considers delaying latest spending debate until just before holiday
Interior spending bill includes Indian Health Service, Bureau of Indian Affairs, Bureau of Indian Education.

This will be an interesting holiday season in the nation’s capital. A few days before Christmas -- when a lot of folks (including members of Congress) are eager to get out of town -- the Congress must pass a spending bill that funds part of the government, including the Bureau of Indian Affairs and the Indian Health Service.

The deadline had been this week but on Monday Congress reached a deal to put off the decision until December 21 by extending the temporary budget, called a Continuing Resolution, for two additional weeks. “The decision, confirmed by aides involved in the talks, was made because of the observances surrounding the death of former president George H.W. Bush. The former president will lie in state in the Capitol Rotunda ahead of a service at Washington National Cathedral on Wednesday,” The Washington Post reported. “The House has canceled all votes for this week.”

Roll Call reports that the temporary spending bill also includes a two-week extension of the Violence Against Women Act.

Most of the federal budget is already law, but several spending bills remain, including the Interior Department's appropriation. This will not be an easy spending bill to pass, even as a holiday gift. It’s nearly the last act of the 115th Congress. New members, and a Democratic majority in the House, will take office on Jan. 3. But even though Republicans are running things, they will need votes from Democrats in both the House and the Senate. The two big sticking points: More money for a border wall as well as any potential protections for Robert Mueller’s probe of the Trump administration.

There are still differences in the spending plan within the Congress. The House, for example, calls for $5.9 billion for the Indian Health Service and $3.1 billion for the Bureaus of Indian Affairs and Indian Education. While the Senate IHS budget is pegged at $5.77 billion. “Additional funds are focused on combating opioid abuse, suicide prevention, domestic violence prevention, and alcohol and substance abuse problems. Funds are also included for infrastructure improvements to health care facilities and $115 million is provided for staffing of new health
care facilities,” reports the Senate Interior Appropriations committee. The Senate also would spend $3.07 billion for the BIA and on Indian education programs.

But perhaps the biggest specific policy division between the House and the Senate is the spending plan for the Environmental Protection Agency. The House bill says it “reins in the EPA’s regulatory agenda by reducing regulatory programs by $228 million below FY18 levels.” The Senate sticks with business as usual, even adding money to the EPA funding stream.

The Senate appropriations subcommittee is chaired by Sen. Lisa Murkowski, R-Alaska. She recently told the Alaska Journal of Commerce that she would like to bring back congressional earmarks as a way to improve the budgeting process. “You’re going to hear me say the word. Think about it. We’re a pretty unique state here, but if we’re trying to compete in a formula (funding program) that is designed to measure how things look today, how are we ever going to move out on an Arctic port? Our job must be to invest in the future, to drive how things will be,” Murkowski told the Journal of Commerce.

“What we as Republicans did some years back was to say there’s way too much dark stuff that’s going on with appropriations so we need to get rid of earmarks,” Murkowski said. "What we needed to do was what we were directing ourselves to do, which was to increase the transparency; have it be wide open to the world.”

The temporary spending bill must still be passed by both Houses and signed into law by President Trump before Friday’s deadline.

*Mark Trahant is the editor of Indian Country Today. He is a member of the Shoshone-Bannock Tribes. Follow him on Twitter @TrahantReports.

NATIVE ADVOCATES SAY NO TO BRETT KAVANAUGH

Mark Trahant*


Are Native-related issues enough to sink the nomination of President Donald J. Trump’s choice for the Supreme Court?

The Senate is now considering Brett Kavanaugh’s nomination and a vote by the Judiciary Committee is expected on September 20. The president’s supporters are hoping that they have the votes to confirm Kavanaugh and he can begin his new job by the first Monday in October, the beginning of the new court term.
The Senate is closely divided, 51 Republicans and 49 Democrats. And if Democrats vote as a bloc, it will take two Republican Senators to reject the nominee. If there is a tie, Vice President Mike Pence would cast the deciding vote.

Alaska Native groups are counting on Sen. Lisa Murkowski to be one of those "no" votes. Alaska Sen. Dan Sullivan has said he will vote in favor of the nomination. Both are Republicans.

“Alaska tribes, despite being 4,000 plus miles away from the Capitol Hill hearing room, know the truth about Kavanaugh’s agenda and it could greatly endanger our rights and tribal sovereignty,” wrote Richard (Chalyee Éesh) Peterson, president of the Tlingit and Haida Tribes, in a letter to Murkowski.

Critics cites two reasons for Murkowski to vote no, Alaska Native subsistence fishing rights and Alaska Native voting rights. “The Supreme Court is set to hear Sturgeon v. Frost, a case that calls into question control of Alaska’s rivers. Currently, the feds have authority over the waters, protecting subsistence fishing rights for Alaska Natives through ‘rural preference.’ For many tribes and Alaska Natives, subsistence is a way of life rooted in the traditions of our ancestors and is foundational to the health and wellness of current and future generations. These are traditions that leaders like elder Katie John sacrificed greatly to protect.”

Peterson also cited Kavanaugh’s history on voting rights cases. “In 2011, the Justice Department objected to a South Carolina voter ID law that threatened to block tens of thousands of people from voting — many of whom were people of color. When South Carolina took the issue to court, Kavanaugh wrote the opinion upholding the state’s discriminatory law. And he refused to include language put forward by the other judges on the panel that acknowledged the critical role of the Voting Rights Act in preventing racial discrimination in voting,” Peterson wrote.

In an op-ed in the Anchorage Daily News, Native American Rights Fund attorney Heather Kendall-Miller said Kavaunaugh’s “harmful views on issues of import to Alaska Natives should caution against his nomination.”

Kendall-Miller cited the nominee’s record on environmental issues something that especially important because warming in the Arctic is occurring at a greater rate than in any other place in the Northern Hemisphere. “As a result, rural Alaskans dependent on subsistence resources are experiencing warmer winters, thinner ice, changing migration patterns, diseased fish and unpredictable weather patterns. In addition to affecting the food sources traditionally relied on by Alaska Native people, climate changes are affecting the very communities in which people live. As the land-fast ice and pack ice disappears, the coastlines, where most villages are located, are exposed to fierce winter storms that cause erosion and flooding, destroying homes, roads and infrastructure. Our senators are aware of these conditions, which should caution against his confirmation.”

She wrote: “Remember the significance of Katie John, the Ahtna elder who argued successfully for nearly 30 years that Title VIII of the Alaska National Interest Lands
Conservation Act protected subsistence fishing in federal waters? Her legacy and court wins are now hanging in the balance due to Mr. Sturgeon and the state of Alaska's vigorous appeal. According to Mr. Sturgeon and the Walker administration, Congress left the state of Alaska in control of all waters within national parks, refuges and forests. He argues the term "public lands" doesn't include navigable waters anywhere. Mr. Sturgeon argues this is an issue of state sovereignty — "state's rights" — and wants to eliminate all federal power in these rivers. Again, Judge Kavanaugh's track record suggests he would support a state's rights approach to this controversy. His amicus brief supporting a white student's challenge to a Hawaiian trust set up to support educational endeavors of Native Hawaiians shows a level of insensitivity and outright animosity toward indigenous rights.”

The Honolulu Star-Advertiser on YouTube: U.S. Sen. Mazie Hirono grills Brett Kavanaugh on his views of Native Hawaiians

Sen. Mazie Hirono, D-Hawaii, says Kavanaugh represents a particular threat to Native Hawaiians, especially in an era when President Trump has been attempting to zero out federal spending for Native Hawaiian housing and education programs. She posted leaked emails from Kavanaugh that showed his thinking about Native Hawaiians and race. The documents were stamped committee confidential.

“These are the docs Rs don’t want you to see—because they show that Judge Kavanaugh wrongly believes that Native Hawaiian programs are Constitutionally questionable. I defy anyone reading this to be able to conclude that it should be deemed confidential in any way, shape, or form,” she said.

During the Senate hearings Hirono questioned Kavanaugh on Native Hawaiian issues and schooled him on the history. Kavanaugh has consistently argued as a lawyer and government official that Native Hawaiians should not have any legal status as Indigenous people (and even added that he did not view them as Indigenous.) He also co-authored a Supreme Court brief that said Hawaii violated the Constitution by permitting only Native Hawaiians to vote in elections for the Office of Hawaiian Affairs and that it represented a race-based approach.

Most Democrats have announced opposition to the Kavanaugh nomination.

Sen. Tom Udall, D-New Mexico, also cited Native issues in his declaration. “I believe Judge Kavanaugh poses a serious threat to the rights of native communities across this nation,” he said.

However two Democratic senators still on the undecided list are North Dakota’s Heidi Heitkamp and Montana’s Jon Tester. Both are facing re-election in states that Trump won easily.

*Mark Trahant is the editor of Indian Country Today. He is a member of the Shoshone-Bannock Tribes. Follow him on Twitter @TrahantReports.

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WHAT DO THE NUMBERS SAY?
INDIAN COUNTRY PLAYS A UNIQUE ROLE AT THE POLLS

Mark Trahant*

Native vote headline: Turnout was good, but it did not match voter participation during a presidential year.

Now that the election is over, let’s take a tour through Indian Country’s data landscape. The country is divided into red and blue states, red for Republican, blue for Democrats. And in just about every red state, Indian Country shows up as a blue dot, an island.

And what do the numbers say? Indian Country plays a unique role, especially in rural America.

Montana Sen. Jon Tester, a Democrat, has now won three statewide races. His coalition includes Native voters, urban voters, and a small slice of Republicans who value his independence. How does this work? Look at the unsuccessful Democrat running for the House in Montana, Kathleen Williams. She underperformed with all three groups and lost to Rep. Greg Gianforte overall by about five points -- she carried Indian Country, but by just a few points less than Tester. In Roosevelt County, for example, a county that is majority Assiniboine Sioux and other Native people, Tester earned 68 percent of the votes compared to Matt Rosendale’s 39 percent. But in the same county, Williams had 54 percent to Gianforte’s 43 percent.

In Arizona, the coalition that helped Democrat Kyrsten Sinema defeat Republican Martha McSally followed the same path, winning Native voters throughout the state, plus rolling up large margins in Phoenix and Tucson. There is another interesting tidbit in this race: The Green Party candidate also received more than 50,000 votes -- more than 2 percent -- keeping Sinema under 50 percent.

It’s still too early to report a comprehensive look at Native voter turnout from the election, but there is some interesting early data from Indian Country using figures at the county level. The headline is that turnout was good, but it did not match voter participation during a presidential year.
Glacier County illustrates how the Native vote helps a candidate in rural areas from Montana Secretary of State.

Montana is a great example. Glacier County includes the Blackfeet Nation and its population is more than 63 percent tribal citizens. A little more than 60 percent of the county voters went to the polls, compared to nearly 72 percent for Montanans in general. Two years ago that turnout rate was 69 percent in that county. And how does that 60 percent compare to other midterm elections? Four years ago only 45 percent of the voters participated. (And in the midterm election before that turnout was only 34 percent.)

The story in South Dakota shows how much work there is ahead. Oglala Lakota County had the lowest turnout in the state, at 39 percent compared to nearly 63 percent in the rest of the state. Todd County was not much higher, just under half of those registered to vote cast ballots. (Oglala Lakota County includes Pine Ridge and is 94 percent Lakota while Todd County includes Rosebud and is 85 percent Native.)

Voters from the Navajo Nation did turnout and vote. But not the same as during a presidential year. Just over half, 51.28 percent of Apache County voters (mostly Navajo citizens) cast ballots while in Navajo County the number was just shy of 59 percent. Across Arizona turnout was 60.78 percent, according to the Secretary of State’s office. Two years ago, during the presidential election cycle, Apache County was just shy of 60 percent. But four years ago, in a similar mid-year election, the turnout was 46.17 percent.

In San Juan County, Utah, where for the first time two Navajos were elected as a majority on the three-member county commission. Kenneth Maryboy easily won his district race, but in a
more competitive seat, **Willie Greyeyes won by less than a hundred votes.** And the turnout? Just 46.5 percent. (Utah was not much higher. That state has one of the lowest participation rates, at slightly more than 50 percent.)

Across the **state line in San Juan County, New Mexico**, the Native vote numbers were higher but still lower than the state’s overall turnout. The turnout rate in San Juan County was 51.54 percent while across New Mexico it was 55.4 percent. In McKinley County, which includes Gallup, parts of the Navajo Nation, and the Zuni Pueblo, turnout was 44.22 percent. (There are more Native voters in McKinley County which could reflect that difference.)

**The Navajo Nation held its election** for president on the same day and the turnout for the tribal election was 64.39 percent -- significantly higher than the state totals in Arizona, New Mexico and Utah.
Alaska is another interesting contradiction. Two years ago more than 60 percent turned out to vote in the presidential election. Two years before that, partly because of ballot initiatives and partly a high profile governor’s race, turnout was 55 percent.

And this year? Unofficial Division of Elections results show that of Alaska’s 571,851 registered voters, the total number of ballots cast was 236,927, a turnout of 49.1 percent.

And that’s despite another high profile governor’s race and important ballot initiatives.

The vote from Alaska Native villages was lower than that elsewhere in the state. (In fact: A twist on the map of red and blue is the state’s database uses green and yellow. Green areas show more voter participation, yellow, less.) In the Bethel region, for example, the turnout rate was 45 percent.
In North Dakota, where last minute voter ID restrictions were added, making it more complicated to vote, the tribal communities responded by increasing their participation from past elections. But it is still a lower figure than the state overall. The turnout in North Dakota was a little more than 57 percent. In Sioux County, or Standing Rock, the number was 53.34 percent. And in Rolette County, or Turtle Mountain, voter turnout reached 53.05 percent. Two years ago, voter turnout was 45.7 percent in Sioux County and 39.84 percent in Rolette County. (The data is not yet available for other tribal nations in North Dakota.)

There has been a lot of reporting about the rural, urban divide in America.

“We’ve got some big schisms out there,” said Rep. Tom Cole, Chickasaw, recently told The Hill newspaper. The Republican won re-election R-Okla. in an exurban and rural district on Tuesday. “Rural America’s much more Republican than ever before.”

And that's exactly right at the district level. But more and more states, especially in the West, are looking like Montana and Arizona where the urban vote has the potential to change a state, especially when Indian Country is part of a broader coalition.

*Mark Trahant is editor of Indian Country Today. He is a member of the Shoshone-Bannock Tribes. Follow him on Twitter -@TrahantReports. Email: mtrahant@IndianCountryToday.com.

MORE NATIVE WOMEN THAN MEN ARE RUNNING FOR GOVERNORS, STATE LEGISLATORS

Mark Trahant*


There are 10 Native candidates for Congress, a dozen running for statewide offices, and 78 for state legislatures

Two years ago Denise Juneau was making history. She was running for Montana’s only seat in Congress. It was a hundred years since Jeannette Rankin had won that same seat, the first woman ever elected to the Congress. So a century later Juneau, Mandan Hidatsa and Arikara, would be the ideal first Native woman to serve. Indeed, she was following her plan perfectly, raising $3 million, crisscrossing the huge state, and mobilizing voters.

Still, she lost.
“I don't feel bad about losing,” she told me. (Juneau is now Superintendent of Schools for the city of Seattle.) “I'm disappointed we lost, but I don't feel bad about it because we did everything we were supposed to. We just lost. That's actually a really good space for me.”

Then she turned philosophical.

“Every time another Native woman steps up to run for any office, whether that be the state legislature, city council, U.S. Congress, it sort of paves the way. There's sort of a pipeline, which is really awesome right now, that there's never been a path for Native women to just really step up. I believe right now, we're in a time and space where we see that happening,” Juneau said. “There will be a first at some point.”
That “first at some point” is coming fast. There are now more Native women running for office than men, 52 candidates out of 100 running across the nation. More Native women than men are candidates for office ranging from governor to seats in state legislatures.

The only exception: Congress. There are three Native women and five Native men campaigning for seats in the U.S. House of Representatives. How does this compare to the rest of the country? Nationally it’s a record year for women seeking office: There are currently 251 women seeking one of the 435 seats in the House of Representatives and 26 women seeking one of 35 Senate seats.
Across the country, across the wide channel that we call “politics,” this is an extraordinary year. There are more Native Americans running for a variety of offices than at any point in history. So there will be another “first” in 2018. Many firsts, actually.

One expression of that has been the media interest this year in the Native American candidates. The New York Times, National Public Radio, and NBC News, all asking the same question? “How does this compare to previous years?”

That’s a tough one. The numbers change a lot from the beginning of the campaign season until Labor Day. Good candidates lose primaries. Others drop out for a variety of reasons. So it’s difficult to compare this year’s cycle to last year’s cycle. Except from Labor Day until November. This is when the general election is set and we can accurate compare this election a previous one. (And forget going back too far. No one collected this data before I started doing it.)

So let’s compare. Two years ago at this point, including Juneau, there were five candidates for Congress, a total of three Democrats and two Republicans. There were four candidates for statewide offices in two states, North Dakota and South Dakota.

And this year? There are 10 candidates for Congress. A dozen running for statewide offices, including three for governor and another five for lieutenant governor. There are 78 Native Americans running for state legislatures across the country. (One of these days I want to include a list of Native Americans on county commissions, school boards, and city officials, too. Hashtag, #ToDoList.)

One of the dangers of publishing lists -- as I have been doing for several elections now -- is that there is always someone else.

Last week a new name was added to my tally, Yvette Herrell, who running to represent the second congressional district in New Mexico as a Republican. The Cherokee Nation let me know that Herrell is a citizen. (That also shows that my list itself is an understatement. Herrell was serving in the New Mexico legislature and was even serving on the Indian affairs committee. Yet she wasn’t on my list of elected legislators.) The seat is now held by a Republican, Rep. Steve Pearce who’s running for governor.

So New Mexico could send two, not one, Native American women to the Congress.

Deb Haaland, Laguna Pueblo, is the Democratic nominee in the state’s first congressional district. She is in the sweet spot, the party nominee in a district where Democrats start with an advantage.

And, speaking of running down hill, there is an interesting development in Kansas.

Sharice Davids, Ho Chunk, has already won her primary and is a candidate in a district now represented by a Republican. Last week the Republican Congressional Committee said it was making tough decisions about this year’s election spending about which candidates get financial support. “Kansas Rep. Kevin Yoder, an imperiled suburban congressman whom
Democrats are spending heavily to defeat, has recently complained to allies that the national committee hasn’t done enough to help him in his reelection bid, according to four people familiar with the conversations,” Politico reported.

Good news for Davids. But it is still a seat that Democrats have not won in a long time. But at some point that will change. As Davids said: “I keep saying how surprised I am that we’re in 2018, and we’re still having all these firsts.”

She would be (like Haaland and Herrell) the first Native woman ever elected to Congress. And she would add another new voice, she would be the first lesbian to represent Kansas.

Then this election has so many firsts, such as three Native candidates for governor. There have been a few candidates over the years that have sought that office, such as Larry EchoHawk in 1994 and Byron Mallott four years ago, but not two. Let alone three.

EchoHawk, Pawnee, ran in Idaho. Where Paulette Jordan, Coeur d'Alene, is now the Democratic Party nominee. Think of that: In a state where the Native population is about 1 percent there are two Native Americans as party nominees for the top office. Jordan continues to get national attention, the latest from Elle magazine. “What’s so rare, that people have never seen in this country, is an indigenous woman run and lead,” she said. “It’s never happened in the history of this country, that a woman would run and lead on the executive level like this, a senior executive level, a CEO of state. And so we’re breaking boundaries now as we speak.”

Jordan is, of course, the first Native woman to seek that office. But she is not alone. Andria Tupola won the Republican Party nomination in Hawaii. Like Jordan, Tupola, served in the legislature, and her message also transcends partisan politics. She told the Hawaii Free Press that she wants to change minds. “So many voices are missing, the state is making decisions that the community is not happy about.” Her advice: “Don’t focus on the legislature, or the party or the unions, focus on the community. Raise the bar, step up the game.” And the kicker in the piece by Susan Halas. “It was an unexpected ‘Feel the Bern’ moment from the other side of the aisle.”

That paragraph says a lot about this particular election.

The third Native American candidate for governor is Kevin Stitt, Cherokee, whose career has been in business. He has not said much about tribal issues but has participated in a forum with the tribes. He was endorsed last week by President Donald J. Trump. He tweeted: "Kevin Stitt ran a great winning campaign against a very tough opponent in Oklahoma," Trump tweeted. "Kevin is a very successful businessman who will be a fantastic Governor. He is strong on Crime & Borders, the 2nd Amendment, & loves our Military & Vets. He has my complete and total Endorsement!"
More numbers.

There is a 100 percent increase in party nominees for Congress; a 300 percent increase in statewide candidates; and a seven percent increase in candidates for state legislatures.

It’s also interesting to see the party breakdown this time around: Four Democrats are running for Congress; four Republicans; one Green Party candidate; and one candidate representing the Independence Party of Minnesota.
There are three races with Native Americans competing with other Native Americans on the November ballot: Minnesota with a Republican and a Democrat competing for lieutenant governor; Alaska where there is a three-way race for lieutenant governor; and Oklahoma’s second congressional district. There was even a G.O.P. primary with two tribal citizens on the ballot in the New Mexico second congressional district.

One more number. Two years ago only one Native American was elected to the Arizona state senate. This year that number could be three, incumbent Sen. Jamescita Peshlakai, former Rep. Victoria Steele, and current Rep. Sally Ann Gonzales. That would be a three-fold increase -- and a caucus where policy could be sorted out and championed as a group.

That’s real power. But there is another lesson. Gonzales was first elected to the Arizona legislature in 1996. She was a caucus of one. Now there is a caucus in the House, the Senate, and Native voices are included in Arizona’s broader political discourse.

As Juneau says: “There is a pipeline of people, a pipeline of Native women now that is being built, not just for stepping up and raising your hand, and running for this seat, but also Native women working on campaigns and Native women being involved at central committees, democratic central committees, and Native women finding their place in mainstream politics.” That is the power, she said, because it lays the groundwork for others to follow.

*Mark Trahant is the editor of Indian Country Today. He is a member of the Shoshone-Bannock Tribes. Follow him on Twitter @TrahantReports.

REPORT TO HUMAN RIGHTS COUNCIL - 2018. ATTACKS AGAINST AND CRIMINALIZATION OF INDIGENOUS PEOPLES DEFENDING THEIR RIGHTS

Thirty-ninth Council session
10-28 September 2018 Agenda item 3
Promotion and protection of all human rights, civil, economic, social and cultural rights, including the right to development.

A/HRC/39/17

PDF: En Sp Fr Ru Ch Ar

Report of the Special Rapporteur on the rights of indigenous peoples
Note by the Secretariat

The Secretariat has the honour to present to the Human Rights Council the report of the Special Rapporteur on the rights of indigenous peoples, prepared pursuant to Council resolution 33/12. In the report the Special Rapporteur briefly refers to the activities undertaken since the submission of her last report, provides a thematic study on attacks against and the criminalization of indigenous human rights defenders and reflects on available prevention and protection measures. She concludes with recommendations on how various stakeholders can prevent violations and improve protection.

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I. Introduction

1. The present report is submitted to the Human Rights Council by the Special Rapporteur on the rights of indigenous peoples pursuant to her mandate under Council resolution 33/12. In the report the Special Rapporteur briefly refers to the activities undertaken since the submission of her last report (A/HRC/36/46), provides a thematic study on attacks against and the criminalization of indigenous human rights defenders and reflects on available prevention and protection measures. She concludes with recommendations on how various stakeholders can prevent violations and improve protection.

II. Activities of the Special Rapporteur

2. Since she presented her last report to the Human Rights Council, the Special Rapporteur has carried out two official country visits: to Mexico from 8 to 17 November 2017 (A/HRC/39/17/Add.2) and to Guatemala from 1 to 10 May 2018 (A/HRC/3 9/17/Add. 3).

3. A more detailed description of activities is contained in the Special Rapporteur's report to the General Assembly (A/72/186), in which she highlighted recent thematic work on indigenous peoples' right to self-governance; consultation and free, prior and informed consent; indigenous peoples in isolation and initial contact; country visits;
III. Attacks against and criminalization of indigenous peoples defending their rights

A. Introduction

4. The Special Rapporteur on the rights of indigenous peoples is gravely concerned at the drastic increase in attacks and acts of violence against, criminalization of and threats aimed at indigenous peoples, particularly those arising in the context of large-scale projects involving extractive industries, agribusiness, infrastructure, hydroelectric dams and logging. These violations are occurring in the context of intensified competition for and exploitation of natural resources, as observed during country visits and reflected in the increasing number of related allegations. In several countries, increased militarization adds to the threats against indigenous peoples. The Special Rapporteur has therefore decided to prepare a thematic report to draw attention to the escalation of these concerns.

5. The focus of the present report is on the distinctive characteristics of attacks against and criminalization of indigenous peoples defending their rights under the United Nations Declaration on the Rights of Indigenous Peoples and under human rights treaties, with emphasis on violations occurring in the context of development projects. In the report the Special Rapporteur considers the collective and individual impact on indigenous peoples and assesses the effectiveness of prevention and protective measures, identifying good practices and prevailing challenges with regard to protective measures for indigenous peoples. The Special Rapporteur notes that indigenous peoples are subjected to criminalization in a range of contexts including structural racism and discrimination, areas which may be the subjects of future analysis and reports.

6. In accordance with the mandate, the Special Rapporteur has continuously addressed in her country reports, communications to Governments, press releases and other public statements concerns over indigenous leaders and members of indigenous communities, and those who seek to defend their rights, who are subject to undue criminal prosecution and other acts, including direct attacks, killings, threats, intimidation, harassment and other forms of violence.

7. Concerns have also been raised by other United Nations human rights mechanisms, including other special procedures and human rights treaty bodies. The Special Rapporteur on the situation of human rights defenders has documented acts of violence, stigmatization and criminalization targeting persons engaged in the defence of environmental and land rights, including in many cases indigenous leaders and community members (A/71/281). While several reports in recent years have referred to the situation of criminalization and the risks environmental human rights defenders face, the reports have not specifically addressed these concerns through the optic of indigenous peoples' rights nor focused on the collective impact on indigenous communities (ibid.),[1] a lacuna the present report seeks to fill.

B. Methodology

8. In preparing the present report the Special Rapporteur has drawn from both primary and secondary sources. Information received first-hand during country visits as well as communications sent by the mandate on alleged violations have informed the report.[2]

9. In order to consult a broad range of actors, the Special Rapporteur launched a public call for inputs on the subject of attacks against and criminalization of indigenous peoples and their collective impact on communities and on the available prevention and protection measures. In response, over 70 written submissions were received, primarily from indigenous and human rights organizations from various regions, the majority from Latin America. The report also draws on a review of the wealth of reports on related aspects of the subject issued by civil society, human rights mechanisms, including regional human rights systems, and independent national human rights institutions.
10. Furthermore, the Special Rapporteur convened a two-day expert consultation in Geneva on 19 and 20 March 2018 on the issue of criminalization and attacks faced by indigenous peoples who seek to defend and assert their rights. The consultation provided a space for dialogue between representatives of indigenous peoples, civil society organizations and human rights mechanisms to address the particular risks faced by indigenous peoples, their causes and consequences as well as courses of action for improving the protection of indigenous peoples. In addition, a consultation with indigenous representatives took place in April 2018 on the sidelines of the Permanent Forum on Indigenous Issues.

**IV. Normative framework**

11. An understanding of the nature of indigenous peoples' rights is necessary to the discussion of the measures required to provide access to justice and reparations and other human rights guarantees in the context of attacks, criminalization and other acts faced by indigenous peoples as a consequence of their efforts to assert and defend their rights.

12. Attacks and criminalization affect a wide range of human rights. The causes and impacts of criminalization and violence affecting indigenous peoples must be understood and addressed within the particular framework of the United Nations Declaration on the Rights of Indigenous Peoples and international and regional human rights instruments. These international legal sources recognize indigenous peoples' rights to self-determination and to their traditional lands, territories and natural resources, self-government, cultures and ways of life. For indigenous peoples, most of these and other human rights are enjoyed collectively, reflecting the special relationship with their traditional lands, territories and natural resources which forms the basis of their collective identity and their physical, economic and cultural survival.

13. The State's responsibility to protect the rights to life, liberty and security of person is enshrined in article 3 of the Universal Declaration of Human Rights, in articles 6 (1) and 9 (1) of the International Covenant on Civil and Political Rights and in article 7 of the United Nations Declaration on the Rights of Indigenous Peoples. Both negative and positive obligations are included: on the one hand, States must refrain from violating the rights of human rights defenders while on the other hand, they should act with due diligence to prevent and investigate human rights violations and bring the perpetrators to justice. Also of relevance is article 30 of the United Nations Declaration, which affirms that military activities shall not take place in the lands or territories of indigenous peoples unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

14. Article 9 of the Covenant sets out the guarantees that no one shall be subjected to arbitrary arrest or detention and that no one shall be deprived of their liberty except on grounds established by law. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for their arrest and brought promptly before a judge and tried within a reasonable time or released. It shall not be the general rule that persons awaiting trial shall be detained in custody.

15. The right to due process and a fair trial enshrined in article 14 of the Covenant stipulates that all persons are equal before the courts, are entitled to a fair and public hearing by a competent, independent and impartial tribunal and have the right to be presumed innocent until proved guilty. Everyone has the right to be tried without undue delay, to free legal counsel and free assistance of an interpreter if they cannot understand the language used in court. The United Nations Declaration on the Rights of Indigenous Peoples sets out in article 13 that States shall take effective measures to ensure that the right to indigenous languages is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation. International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) specifies in article 10 that preference should be given to sanctions other than imprisonment when criminal
punishments are imposed on indigenous persons.

16. Self-determination is an overarching right of utmost importance for indigenous peoples as it affirms their right to freely pursue their economic, social and cultural development. The right to self-determination is enshrined in common article 1 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms recognizes the legitimacy of the defence of land rights by acknowledging the "valuable work" of human rights defenders in the elimination of violations, including those resulting from "the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources".

17. The failure to ensure land rights constitutes the core underlying cause of violations of indigenous peoples' rights. The United Nations Declaration on the Rights of Indigenous Peoples affirms the right of indigenous peoples to own and control their lands and territories in articles 25, 26, 27 and 32 while ILO Convention No. 169 enshrines territorial rights for indigenous peoples in articles 14-19.

18. The right to development is affirmed in several provisions of the United Nations Declaration on the Rights of Indigenous Peoples, notably in article 32, which states that 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. The Declaration furthermore affirms 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 adopting and implementing legislative or administrative measures that may affect them; their free and informed consent should also be obtained 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 (arts. 27 and 32). In its jurisprudence, the Human Rights Committee has underlined that indigenous peoples' right to participate goes beyond consultation: "participation in the decision-making process must be effective, which requires not mere consultation but the free, prior and informed consent of the members of the community".[3]

19. The rights to peaceful assembly and to freedom of association are set out in articles 21 and 22 of the International Covenant on Civil and Political Rights while the right to participation in the conduct of public affairs and decision-making is enshrined in article 25. The United Nations Declaration on the Rights of Indigenous Peoples furthermore affirms that 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 decisionmaking institutions (arts. 5, 18, 20, 27 and 34).

20. The provision of and access to information are prerequisites to ensuring that indigenous peoples can participate in consultation processes. Article 19 (2) of the Covenant guarantees the right to "seek, receive and impart information" as part of the right to freedom of expression.

21. Before consultations can be carried out in relation to any proposed projects, States must ensure that human rights and environmental impact assessments have been undertaken. Binding legal obligations in this regard exist in the Convention on Biological Diversity (art. 14 (1) (a)), which requires States to undertake "environmental impact assessment of [their] proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and ... allow for public participation in such procedures". The United Nations Framework Convention on Climate Change (art. 4 (1) (f)) similarly affirms the obligation for States to employ impact assessments of projects or of measures undertaken by them to mitigate or adapt to climate change, with a view to minimizing adverse effects on public health and on the quality of the environment. Both these treaties
have almost universal adherence, with 196 and 197 parties, respectively.

22. The Rio Declaration on Environment and Development, adopted in 1992, sets out in principle 10 that everyone shall have access to information, including on activities in their communities, that States shall facilitate the opportunity to participate in the decisionmaking process and that effective access to justice, including redress and remedy in environmental matters, shall be provided. The United Nations Environment Programme (UNEP) has underlined the importance of these "access rights" in promoting transparent, inclusive and accountable environmental governance.[4]

23. The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment has emphasized that in order to protect human rights, assessments of environmental impacts should also examine the possible impacts of proposed projects and policies on the enjoyment of all relevant rights, including the rights to life, health, food, water, housing and culture. Such assessments should provide meaningful opportunities for the public to participate, should consider alternatives to the proposal and should address all potential environmental impacts, including transboundary effects and cumulative effects that may occur as a result of the interaction of the proposal with other activities; the assessment should result in a written report that clearly describes the impacts; and the assessment and the final decision should be subject to review by an independent body (A/HRC/37/59). For indigenous peoples, this obligation requires that the information contained in the human rights impact assessment be available in their languages and in a culturally appropriate form.

24. The State's obligation to provide an effective remedy for human rights violations is enshrined in article 2 (3) (a) of the International Covenant on Civil and Political Rights. This requires that perpetrators be brought to justice and that victims be provided with reparation.[5] The United Nations Declaration on the Rights of Indigenous Peoples (art. 40) affirms that indigenous peoples have the right to access to, and to prompt decisions through, just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such decisions shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and to international human rights.

25. Furthermore, article 8 of the United Nations Declaration on the Rights of Indigenous Peoples sets out the right to effective mechanisms for prevention of, and redress for, actions which have the aim or effect of dispossessing indigenous peoples of their lands, territories or resources. Article 10 stipulates that indigenous peoples shall not be forcibly removed from their lands unless they have provided their free, prior and informed consent. Should violations have occurred, victims have the right to fair redress, including restitution and compensation, and, where possible, the option of returning to their lands. When this is not possible, they are entitled to 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. Compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress (art. 28).

26. Transnational corporations and other business enterprises should respect human rights, as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, which rest on three pillars: the State duty to protect against human rights abuses by third parties, including businesses; the corporate responsibility to respect human rights; and the need for access to an effective remedy for victims of business-related human rights abuses. Principle 18 requires that business enterprises identify and assess any actual or potential adverse human rights impacts through meaningful consultation with potentially affected groups as an integral part of their responsibility to respect human rights.

V. Root causes and drivers behind attacks and criminalization

27. The intensified competition over natural resources led by private companies, at times with government complicity,
has placed indigenous communities seeking to protect their traditional lands at the forefront as targets of persecution.

28. As documented by the Special Rapporteur, instances of criminalization and violence arise, in most cases, when indigenous leaders and community members voice opposition to large projects relating to extractive industries, agribusiness, infrastructure, hydroelectric dams and logging. In other instances, indigenous peoples' ways of life and subsistence are deemed illegal or incompatible with conservation policies, leading to the prohibition of indigenous traditional livelihoods and the arrest, detention, forced eviction and violations of other human rights of indigenous peoples. This topic was explored in her report to the General Assembly (A/71/229). An additional emerging concern is the rush to undertake climate change adaption and mitigation measures which, unless they build in human rights safeguards, risk undermining the rights of indigenous peoples. The Special Rapporteur explored this issue in a previous report to the Human Rights Council (A/HRC/36/46).

29. Since she assumed the mandate, the Special Rapporteur has witnessed a number of large-scale projects first-hand, including during official visits to Brazil (A/HRC/33/42/Add. 1), Guatemala (A/HRC/39/17/Add.3), Honduras (A/HRC/33/42/Add.2), Mexico (A/HRC/39/17/Add.2), the United States of America (A/HRC/36/46/Add.1) and the Sapmi region of Norway, Sweden and Finland (A/HRC/33/42/Add.3). She has heard numerous testimonies and continuously receives information, as part of her duties under the mandate to address communications on alleged human rights violations, indicating the devastating impacts that certain projects have on indigenous peoples, resulting in serious negative impacts on their systems of government, social cohesion, livelihoods, environment, health and rights to food and water.

30. A crucial underlying cause of the current intensified attacks is the lack of respect for indigenous peoples' collective land rights and the failure to provide indigenous communities with secure land tenure, as this in turn undermines their ability to effectively defend their lands, territories and resources from the damage caused by large-scale projects. This is a concern that has been raised by the Special Rapporteur since the creation of the mandate in 2001. However, the urgency of addressing this situation is taking on a new dimension in view of the rapidly expanding encroachment by large-scale projects. Meanwhile, the important contribution indigenous peoples can make in terms of ensuring better conservation and climate change adaption and mitigation strategies addressed in recent reports (A/71/229 and A/HRC/36/46) cannot reach full potential if indigenous peoples' land rights are still being contested.

31. While some countries have adopted legislation protecting indigenous collective land rights, challenges still remain in ascertaining these rights in practice. Commonly, legislation pertaining to, for example, forestry, mining and the energy sector is not harmonized with indigenous peoples' territorial rights and these rights are disregarded to the benefit of commercial interests.

32. Disregard of indigenous rights of traditional lands ownership breeds tensions, subsequent violence and criminalization, as indigenous peoples become trespassers or illegal occupants of their own lands, subject to criminal charges such as "usurpation" or illegal occupation, and liable to forced evictions and removal from the lands they rely upon for their livelihoods, social and cultural cohesion and spiritual traditions. In the worst instances, escalating militarization, compounded by historical marginalization, results in indigenous peoples being targeted under national security acts and antiterrorism legislation, putting them in the line of fire, at times literally, by the army and the police (A/HRC/24/41/Add.3).

33. The priority of indigenous peoples is the protection of their traditional lands, territories and natural resources. Indigenous peoples question a purely commercial development model which disregards their rights and causes irreparable harm to the environment and the natural resources they depend on for their survival.

34. The Special Rapporteur is particularly concerned over the rapid increase in such projects, commonly funded
through international and bilateral investment agreements, as the financial gains primarily benefit foreign investors who have little or no regard for the rights of local indigenous communities and environmental protection. All too often, these projects leave affected indigenous peoples further marginalized and entrenched in poverty as their natural resources are destroyed. Furthermore, the legal construct of projects funded through investment agreements is generally designed to exclude possibilities for affected communities to seek remedies and redress (A/70/301 and A/HRC/33/42).

35. The escalation of attacks against indigenous peoples is occurring in the context of a skewed power structure whereby private companies wield significant influence over States and ensure that regulations, policies and investment agreements are tailored to promote the profitability of their business. The complexity of corporate structures in the global economy represents a further challenge as intricate and opaque layers of ownership obstruct access to information and efforts to hold the private sector accountable for human rights due diligence.

36. The Special Rapporteur is gravely concerned at the global pattern of persistent disregard for the rights of indigenous peoples who are voicing concerns over the negative impacts of development projects on their lands. Such projects are frequently undertaken without consulting with the indigenous peoples concerned, nor is their free, prior and informed consent sought. When measures have been undertaken to consult with indigenous peoples, they have often been culturally inappropriate, lacked good faith and been driven primarily by an incentive to have already elaborated projects rubber-stamped, with no intention of allowing for genuine review or participation in their design and execution. All too often, such so-called consultations have created divisions and undermined indigenous decision-making institutions.

37. The Special Rapporteur on human rights defenders has warned that the lack of information and transparency and opaque decision-making are not only major flaws in the implementation of large-scale development projects but also lead to the disempowerment and vulnerability of defenders and affected communities and seriously undermine the credibility and legitimacy of both State and non-State actors involved in the projects (A/68/262).

38. Indigenous peoples are increasingly challenging such projects through social mobilization and legal avenues. In retaliation for advocating for the protection of their lands, indigenous peoples are being accused of being obstacles to development and acting against national interests. Indigenous leaders and communities seeking to raise their concerns over the negative impacts of projects on their rights, livelihoods and the environment have been targeted in violent attacks. They have been killed, forcibly displaced, threatened and intimidated and subjected to insidious harassment in the form of criminal charges which are often nebulous, grossly inflated or fictitious. The aim of these attacks, whether violent or legal, is to silence any opposition by indigenous peoples to business interests and to prevent indigenous peoples from exercising their rights.

39. Even when indigenous peoples have managed to successfully challenge projects in court and when injunctions have been ordered, companies still plough ahead with projects in disregard of judicial orders to suspend them. The Special Rapporteur is furthermore deeply concerned that in recent cases, high courts have ordered consultations to take place after the initiation of large-scale projects in an attempt to claim, ex post facto, that international norms have been complied with. This is not in accordance with international standards on consultation and consent (see A/HRC/39/17/Add.3, para. 37).

VI. A global crisis unfolding

40. Recent studies by the Special Rapporteur on the situation of human rights defenders (A/71/281) and the Special Rapporteur on human rights and the environment[6] have raised alerts over "a global crisis" of attacks against environmental human rights defenders, highlighting that many of these defenders are members of indigenous communities.
In a report on human rights defenders killed worldwide in 2017, the authors document the murders of 312 defenders in 27 countries and indicate that 67 per cent of the persons killed were engaged in the defence of land, environmental and indigenous peoples’ rights; nearly all the killings occurred in the context of megaprojects, extractive industry and big business. About 80 per cent of the killings took place in just four countries: Brazil, Colombia, Mexico and the Philippines.[7] Another source documented 200 killings across 24 countries in 2016 of people defending their land, forests and rivers against destructive industries. The authors concluded that almost 40 per cent of those murdered were indigenous and that Latin America accounted for more than 60 per cent of the killings.[8]

The Special Rapporteur has observed a disconcerting escalation of violent attacks through the mandate to issue communications and undertake fact-finding country visits. While the vulnerability of indigenous peoples to attacks while seeking to defend their lands has been a long-standing concern of the mandate, the drastic escalation of such acts in recent years is of grave concern. The Special Rapporteur has recorded a significant and rising number of such attacks in Brazil, Colombia, Ecuador, Guatemala, Honduras, India, Kenya, Mexico, Peru and the Philippines, not an exhaustive list. The same countries have been identified by other human rights mechanisms and civil society organizations that monitor attacks against indigenous peoples, providing consistent indications that these countries represent particularly worrying situations; authorities of these countries have repeatedly been urged to take action to improve the protection of indigenous peoples but have failed to do so.

The situations in the countries named above are particularly worrisome; however, patterns of concern are also found in other countries, and it should be emphasized that the number of reported attacks do not provide the full picture as the ability to report cases is affected by several factors. Among these are the remoteness of indigenous communities, access to means of communication, linguistic diversity and lack of recognition of indigenous peoples as such. The strength of the national human rights civil society groups and the extent to which local human rights organizations liaise with indigenous organizations are other factors which affect reporting. It must be presumed that in large parts of the world, a significant number of attacks against indigenous defenders go unreported and never figure in the media.

While the killing of indigenous defenders represents the worst human rights violation, such attacks tend to occur in the context of violence and threats against them and their communities, including enforced disappearances, forced evictions, judicial harassment, arbitrary arrests and detention, limitations to the freedom of expression and freedom of assembly, stigmatization, surveillance, travel bans and sexual harassment.

Although some global estimates exist of the number of defenders who have been killed, there is no such information available on the extent to which judicial harassment and criminal charges are levied against indigenous peoples. The criminalization of indigenous peoples occurs in a variety of contexts and relies on a multitude of penal provisions. Commonly, criminal charges are brought against indigenous peoples who oppose large-scale projects and seek to inform and organize their communities, demanding access to information and the right to participate in consultations and to give their free, prior and informed consent. Leaders are targeted as a strategy to suppress and silence the entire community.

Several situations where private entities have provided false information or filed unsubstantiated allegations against defenders have been brought to the attention of the Special Rapporteur. Reports indicate that judges and prosecutors have contributed to the misuse of criminal law by accepting false testimony, issuing warrants without sufficient evidence, allowing unfounded prosecutions to advance and improperly interpreting the law to incriminate indigenous defenders. While legislators may not be directly involved in criminalization, they contribute through the adoption of laws that unduly punish expressions of rights such as freedom of expression and assembly or pass legislation that includes vague definitions of criminal offences, including serious offences such as terrorism.[9] The Inter-American Court of Human Rights has raised concerns over biases and stereotypes in the reasoning in national
jurisprudence regarding prosecutions of indigenous peoples under antiterrorist legislation in the case of the Mapuche people in Chile.[10]

47. Prior to the presentation of criminal charges, defamation and smear campaigns are often directed through social media against indigenous peoples, their leaders and communities, accusing them of being anti-development and acting against the national interest. Hate speech based on racism and discrimination fuels such discourse. In the worst cases, social media portray indigenous peoples as members of criminal gangs, guerrillas, terrorists and threats to national security. Defamation campaigns are often developed by business actors (see A/HRC/39/17/Add.2, para. 67), with the overt or covert support of corrupt government officials whose financial interests are affected by indigenous peoples' defence of their lands.

48. Multiple, broad and ill-defined criminal charges are often brought, including trespassing, usurpation, conspiracy, kidnapping, coercion, disturbance of public order and incitement of crime. In several countries a crime of aggravated usurpation is commonly brought against indigenous land rights defenders; transgressors are considered to have been caught in flagrante, which implies a restriction on the right to defence guaranteed in international human rights standards. It is widely reported that states of emergency are declared to suspend judicial guarantees and justify the suppression of peaceful social protests.[11]

49. At times, arrest warrants are issued on the basis of poor evidentiary standards and uncorroborated witness testimonies and where there are no clear links between the charges and the alleged acts. At times, the accusations fail to specify individual responsibility for the alleged acts, for example when arrest warrants are issued for several community members, accusing them all of being responsible for a single criminal act such as a murder without referring to their individual role; this would appear to be a form of collective punishment against an entire community. In some instances, arrest warrants are deliberately not executed but left pending, leaving the indigenous person affected under the perpetual threat of being arrested when it is deemed convenient for the authorities.

50. Procedural guarantees are frequently flaunted and indigenous peoples are particularly disadvantaged as they may not have the means to seek legal counsel. They are unlikely to be in a position to demand the assistance of an interpreter, as in most countries where indigenous languages are spoken interpretation is rarely or not available within the judicial system, nor do ordinary justice systems give much, if any, consideration to the customs, traditions and legal systems of indigenous peoples. The prosecution of indigenous individuals is characterized by prolonged periods of pretrial detention, at times lasting several years, especially in the case of indigenous leaders. The strategic objective is to deprive communities of their voice. Even if they are acquitted, indigenous individuals are rarely awarded remedies.

51. Indigenous institutions and organizations have also been subjected to illegal surveillance, registration and confiscations under various pretexts, such as the control of foreign donor funding. Laws imposing registration requirements and the control of funding of certain organizations weaken the ability of indigenous communities to mobilize and restrict the support they receive from civil society organizations. The strategy of silencing indigenous communities often extends to the civil society organizations and lawyers who seek to assist them: there have been cases of lawyers who represent indigenous communities being physically attacked and even victims of extrajudicial execution.

52. The administrative and legal challenges that indigenous peoples face in such situations require specific and targeted support from civil society and the international community that is different from the support they need when they are victims of threats or physical attacks. Criminalization is a sensitive issue for the international community, which does not want to be seen to be interfering in domestic legal processes. However, when supporting companies or Governments that engage in these practices, international actors such as multilateral development banks, international
financial institutions or funds such as the Green Climate Fund risk contributing to and exacerbating criminalization.

53. In the preparation of the present report, the Special Rapporteur received information about hundreds of situations of attacks and criminalization taking place in many parts of the world. To highlight the overall deteriorating situation, she provides recent examples, emphasizing that they are not meant to be an exhaustive but, regrettably, only snapshots of the unfolding crisis. They do, however, give some insights into the current state of affairs.

54. The Special Rapporteur was particularly disturbed to observe the dire situation of indigenous defenders in Guatemala during her most recent official country visit in May 2018. A staggering seven indigenous leaders were killed during and shortly after her visit. They were killed in different locations by different means: some were shot in the head and in the back while others were stabbed in the throat and their bodies mutilated by machetes. All were representatives of two indigenous farmers' organizations advocating for land rights and political participation. The killings took place in a broader national context of a pernicious closing of spaces for civil society. The President of Guatemala has been publicly hostile to human rights organizations; draft legislation in parliament seeks to restrict the work of non-governmental organizations[12] and social media, driven by private actors, stigmatize indigenous peoples defending their rights, labelling them criminals and terrorists who are anti-development (see A/HRC/39/17/Add.3, paras. 54 and 58).

55. Added to this situation is the escalating number of criminal charges — reportedly in the hundreds — being filed in Guatemala against indigenous leaders and community members. The active participation of private entities in pressing charges implies that prosecutors and judges are colluding with companies and landowners in some of these cases. While in Guatemala, the Special Rapporteur visited several indigenous leaders in prison in retaliation for their land rights advocacy and attempts to litigate against large-scale projects on their territories. Arrest warrants have been issued for vague charges and in some instances on the basis of uncorroborated witness testimonies. The repeated suspension of hearings and the long periods of pretrial detention violate fair trial guarantees (ibid., paras. 52-58).

56. In Kenya, the mandate of the Special Rapporteur has long-standing concerns over the situation of several indigenous peoples, including the Sengwer, the Ogiek and the Maasai, in particular in relation to conservation and climate change projects. In the past two years, there has been an escalation of violence in the Embobut forest where the Kenya Forest Service has repeatedly evicted and burnt Sengwer homes and arrested community members.[13] These acts have taken place despite the fact that the Sengwer are in litigation challenging the evictions and a court injunction has been issued to prevent the evictions in the interim. Several Sengwer have been shot by the Kenya Forest Service, including a Sengwer herder who was killed in January 2018. The European Commission has funded a climate change project in the area, with the Kenya Forest Services among the recipients of funding. The Special Rapporteur issued a public call for the project to ensure respect for human rights and, within days, the European Commission decided to suspend the project pending an assessment of its human rights compliance.[14]

57. In the Philippines, indigenous peoples are stigmatized and suspected of being members of the communist New People's Army and have been subjected to attacks, forced displacements, arbitrary arrests and threats. Militarization has rapidly escalated in recent years and the number of extrajudicial executions has increased dramatically. Indigenous Lumad communities in Mindanao have been particularly targeted.[15]

58. In retaliation for having raised concerns over the escalating violence, in February 2018 the Special Rapporteur was herself mentioned, together with 30 other known advocates for indigenous peoples' rights and some 600 people in total, in a petition submitted by the Department of Justice requesting that a Manila court declare the Communist Party of the Philippines and the New People's Army terrorist and outlawed organizations. The petition claims that the named individuals are known officers and members of the organizations. The Special Rapporteur vigorously rejects these accusations as baseless and irresponsible. The stigmatization and defamation of human rights defenders jeopardize their security. The Special Rapporteur wishes to express her appreciation for the expressions of support and
solidarity that she has received[16] and urges the international community to continue to monitor the situation and the safety of human rights defenders in the Philippines.

59. In Colombia, most killings of human rights defenders are taking place in rural areas where the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) was historically present and indigenous peoples are among the most affected (see A/HRC/37/3/Add.3, paras. 8-11). There is a persistent stigma associating indigenous peoples with guerrillas. Since the signing of the peace agreement between the Government and FARC-EP in 2016, some 50 indigenous leaders have been killed. Furthermore, the continued presence of the National Liberation Army and the increasing threats from and attacks by former paramilitary groups aggravate the situation. The Human Rights Ombudsman continues to raise early warning alerts of attacks and threats against indigenous peoples in various regions and the Constitutional Court has warned that a number of indigenous peoples in the country are at risk of extinction. 17 The Special Rapporteur has sent several communications on the killings of indigenous leaders by armed groups18 and on arbitrary detentions, prosecutions and the excessive use of force by government forces against indigenous protesters.[19]

60. Brazil is by far the most dangerous country in the world for indigenous human rights defenders. During the Special Rapporteur's country visit to Brazil in 2016 (see A/HRC/33/42/Add.1, paras. 18 and 31), community members in Mato Grosso do Sul showed her bullet wounds on their bodies and took her to places where family members had been killed. They also recounted incidents of arbitrary arrests, torture and criminalization of their leaders. Both government and civil society organizations working with indigenous peoples provided her with disturbing accounts of a regular pattern of threats and intimidation by State and private actors. [20] Impunity is pervasive in relation to attacks, killings and intimidation of indigenous peoples and frequently arise in contexts where indigenous peoples attempt to assert their rights over their lands and go hand in hand with the criminalization of indigenous leaders.

61. During her visit to Honduras in 2015 (A/HRC/33/42/Add.2), the Special Rapporteur observed that criminalization frequently occurred in the context of peaceful protests against logging, mining or hydroelectric projects. Indigenous leaders have been tried for offences such as appropriating of land and damage to private property, among others. While in Honduras, the Special Rapporteur met with Berta Caceres, who was subsequently killed because of her opposition to the Agua Zarca dam. Other indigenous Lenca defenders have also been attacked and killed.

62. The Special Rapporteur, together with other special procedure mandate holders, has sent several communications on the situation both to the Government of Honduras and to financial investors supporting the Agua Zarca dam project.21 Several financial investors, including the Netherlands Development Finance Company-FMO, the Central American Bank for Economic Integration and Finnfund, suspended funding for the project. After a year-long probe, an investigative panel known as the International Advisory Group of Experts (GAIPE) concluded in November 2017 that Honduran State agents and senior executives of the hydroelectric company Desarrollos Energeticos Sociedad Anonima had colluded in the planning, execution and cover-up of the assassination of Berta Caceres.[22]

63. Concerning India, allegations have been received about the failure to ensure free, prior and informed consent in the states of Jharkhand, Madhya Pradesh, Chhattisgarh and Telangana in the context of logging, mining and conservation projects affecting Adivasi lands and resources. In August 2017, 10 persons, among them 7 women, were arrested when they conducted a peaceful demonstration against the eviction of 40,000 families, among them Adivasi communities, as a result of the megaproject for the construction of the Sardar Sarovar dam in the Narmada river valley. [23] Concerns have been raised by the mandate in north-east India about Adivasis who have been attacked, stigmatized for alleged association with Maoist Naxalites and prosecuted under security legislation, including in the states of Chhattisgarh and Telangana.[24]

64. The Special Rapporteur visited Mexico in 2017 and observed that threats, harassment and criminalization of members of indigenous communities during consultation processes tended to undermine the "free" character of those
consultations. For example, members of the Yaqui tribe have suffered various attacks, threats and criminalization for opposing the construction of an aqueduct and a gas pipeline, and for demanding consultations and that their free, prior and informed consent be sought for projects built in their territories. The indigenous leader Mario Luna was detained in 2014 on criminal charges of illegal deprivation of liberty and theft for leading community protests. Since his release he has continued to be threatened and attacked, despite calls from the National Commission for Human Rights of Mexico to ensure his protection and the requesting of precautionary measures in favour of the Yaqui community by the Inter-American Commission on Human Rights.[25] She also observed the serious situation of attacks and violence against indigenous communities in the Guerrero Mountains, the Sierra Tarahumara (Chihuahua) and Chiapas.

65. In Ecuador, concerns have been raised over several situations, including attacks against and criminalization of Sapara leaders including Gloria Ushigua on charges of terrorist acts, sabotage and obstruction for opposing petroleum exploitation on indigenous territories.[26]

66. In Thailand, indigenous livelihoods such as rotational farming and beekeeping have been banned and indigenous peoples have been evicted from lands declared "protected areas" despite evidence of the contributions of indigenous peoples' traditional livelihood practices to biodiversity conservation and climate change mitigation and adaptation (A/71/229, A/HRC/6/15/Add.3 and A/HRC/24/41/Add.3).

67. On 3 May 2017, the Supreme Court of Peru acquitted the Quechua defender Maxima Acuna de Chaupe, who had been charged with illegally occupying land. Due to her opposition to the Yanacocha mining company, she has been the victim of several attacks, intimidation, attempted evictions and judicial harassment. On appeal, she was acquitted of all charges and her land rights were recognized. The Special Rapporteur on the rights of indigenous peoples, together with other special procedure mandate holders, has sent several communications relating to Ms. Acuna de Chaupe's case[27] and has also expressed concern over the conviction of the Aymara leader Walter Aduriri, who was sentenced to seven years in prison in July 2017 on charges of causing disturbances in the context of protests against mining concessions in the Puno region of Peru.[28]

68. In Ethiopia, indigenous Anuak land rights defenders have been prosecuted under antiterrorist legislation and subjected to prison sentences, torture and solitary confinement.[29]

69. In 2012, authorities in the Russian Federation introduced a so called "foreign agent law". According to the law, non-governmental organizations must declare themselves "foreign agents" if they exercise political activities and receive funds from abroad. The Russian Association of Indigenous Peoples of the North is the main indigenous umbrella organization. In 2012, the Ministry of Justice suspended its operations for three months on the grounds that the organization's rules were not in compliance with the new legislation. In 2014, two indigenous defenders were prevented from travelling from the Russian Federation to New York to take part in the World Conference on Indigenous Peoples and attempts were made to prevent two others from travelling.[30]

70. In 2016, thousands of protestors, including Native Americans, protested against construction of the Dakota Access Pipeline at the border of North and South Dakota, close to the Standing Rock Sioux Reservation in the United States of America. While Sioux leaders advocated for protests to remain peaceful, State law enforcement officials, private security companies and the North Dakota National Guard employed a militarized response to protests. More than 400 people were allegedly arrested, about 90 per cent of them from the Standing Rock Sioux tribe, including Chairman Dave Archambault II. Civil society organizations reported the use of excessive violence and humiliation during the arrests (see A/HRC/36/46/Add. 1, paras. 63-74).[31]

VII. Individual and collective impacts

71. The targeting of indigenous persons affects both the individual members of indigenous communities as well as the communities as a whole. The killings of indigenous leaders and community members cause irreparable harm and
damage the social fabric of indigenous peoples. Such attacks are undertaken with the express intent to silence their voices, disrupt their organization and impede their ability to express their concerns over matters affecting their communities. The remoteness of indigenous communities and their limited access to the State authorities responsible for providing protection and bringing perpetrators to account leave indigenous peoples particularly vulnerable.

72. The criminalization of indigenous community members also has widespread impacts which affect the accused person, their family and the broader community. Whereas in the case of killings, where the attackers may be acting on behalf of a private actor, in the case of prosecutions, State authorities are clearly and actively responsible for acts which stigmatize indigenous individuals and communities and place them at risk.

73. As previously noted, prosecutions of indigenous community members are often preceded by defamation campaigns, at times with racist or discriminatory overtones, which seek to discredit and undermine the legitimate right of indigenous peoples to participate and voice their opinion in matters that affect them and their lands, territories and resources.

74. At the individual level, by issuing arrest warrants for indigenous leaders on unsubstantiated and vague charges the State seeks to limit their ability to continue their important role as representatives of the community. Stigmatizing indigenous leaders by calling them criminals suggests that they are not reputable representatives of the community, causes personal humiliation and seeks to alienate them within the community and disrupt social cohesion. Further, alleging that they are criminals places them at significant risk of becoming targets of violent attacks. It can also result in restrictions on their freedom of movement and force them to either go into hiding within their territories or to abandon their communities and — depending on the level of threats against them — may oblige them to go into exile.

75. Prosecution of indigenous individuals has significant impacts both on their mental and physical well-being and on their economic situation. They are forced to invest time and financial resources in their defence and to pay for travel expenses, and attendance at court hearings puts them at risk of losing their livelihood. They will have reduced possibilities to defend the rights of their communities, as their resources and energies may be depleted in defending themselves against criminal charges.

76. Indigenous peoples are often held in detention facilities far from their families and communities. Extended pretrial detention and trials have long-term impacts on a family's livelihood, as the detained person may be the primary breadwinner or may miss planting or harvesting seasons. Having witnessed the impacts of prosecutions, other community members may feel constrained to discontinue advocacy on community concerns out of fear of retaliation and of being subjected to criminal charges themselves. In such cases, criminal prosecution will have succeeded in destabilizing the social and political organization of the indigenous communities concerned. Prosecution of indigenous traditional, cultural or spiritual leaders, who play a pivotal role in the continuation of their peoples' traditions and their social, political and cultural institutions, is of particular concern.

77. Even if criminal charges are eventually dropped, pretrial detentions may last extended periods of a year or more and for the individual, the stigma and loss of employment and family and community ties may be long-lasting and difficult or impossible to repair. Ultimately, acts of criminalization that disrupt the participation of indigenous peoples in defining priorities and strategies for the development and use of their lands or territories and other resources will result in increased marginalization and social inequalities.

78. Furthermore, indigenous women who are criminalized suffer gendered impacts. Smear campaigns tend to target indigenous women by spreading rumours that they are dishonourable women of poor reputation who violate indigenous traditions by engaging in public participation and advocacy on community concerns. The aim of such defamation is to disempower and alienate women from their families and communities. While the majority of indigenous individuals who face criminal charges are men, women bear the brunt of their absence as they have to
single-handedly assume all responsibilities for securing resources to sustain the family, including food and the means to send their children to school. During her recent country visit to Guatemala, the Special Rapporteur met with numerous indigenous women whose husbands were detained and heard first-hand accounts of the dire consequences for the affected women and the families.

**VIII. Prevention and protection measures**

79. States must adopt measures to prevent and protect indigenous peoples. It is crucial in this regard to establish accountability for those responsible for attacks against indigenous peoples. The widespread impunity for violent acts against indigenous peoples globally continues to perpetuate their vulnerability and marginalization.

80. To prevent conflicts and attacks, it is imperative that authorities at the highest level recognize publicly the rights of indigenous peoples and, in particular, their right to self-determination, including the right to determine priorities for the development or use of their lands or territories and other resources. As stipulated in article 32 of the United Nations Declaration on the Rights of Indigenous Peoples, 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.

81. Enabling a safe environment for indigenous peoples to advocate for their rights is key. Some countries have adopted legislation, policies and programmes to provide protection mechanisms for human rights defenders, including indigenous leaders and defenders. In Latin America, five countries (Brazil, Colombia, Guatemala, Honduras and Mexico) have created national protection programmes which, to varying degrees, provide protection measures for defenders. Recent assessments of these programmes have highlighted the importance of adopting collective and culturally appropriate protection measures for indigenous peoples and the need to consider prevention aspects and to address root causes of violence (see A/HRC/39/17/Add.2, para. 68).[32]

82. The Special Rapporteur encourages States where protection programmes exist to strengthen them and other States to adopt national policies and legislation in favour of human rights defenders and establish protection programmes. The actual protection measures need to be culturally appropriate, consider gender aspects and be developed jointly with the communities concerned. An example of a measure adapted to the requests of an indigenous community is the designation of local "indigenous guards" in Colombia, with financial support from the national protection programme, which replaces police protection for the beneficiary (see A/HRC/37/3/Add.3, para. 21). The distribution of solar-powered telecommunications in remote areas to enhance protection is another measure useful for indigenous communities.

83. Indigenous communities have developed their own protection strategies and lessons should be drawn from such measures. In some countries, indigenous defenders have created local and regional support networks which allow for reflection, information exchange, legal advice, situation analysis and strategic planning on how to improve protection in their communities.[33] Certain indigenous peoples have established their own monitoring systems in their territories to prevent violent attacks and access by unauthorized third parties. Other indigenous communities have successfully claimed customary land rights and, through demarcation processes, have managed to halt forced evictions and reduce threats against their communities. Still others have managed to halt permits for large-scale projects by means of injunctions where courts decided in their favour on the grounds of the failure to consult them and obtain their free, prior and informed consent. Overall, in order for indigenous-led protection systems to be more effective there is a need to strengthen their own governance systems.

84. At the regional level, the importance of the precautionary and provisional measures requested by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights are of significant
importance as they underline the State's responsibility to ensure the protection and safety of indigenous communities and individuals in imminent danger. The Special Rapporteur deeply regrets that, despite these measures at the regional level, national protection measures are often inadequate, as sadly illustrated by the murder of several indigenous leaders and by the ongoing attacks and threats, for example against the Choreachi and Yaqui communities in Mexico, all of whom had been granted such measures.

85. The landmark judgment by the African Court on Human and Peoples' Rights issued in May 2017 in favour of the Ogiek peoples in Kenya affirms the Ogieks' collective rights to the Mau Forest and sends a strong signal in the region that indigenous land rights are to be protected and forced evictions halted.[34]

86. On 3 July 2018, the European Parliament adopted a resolution on violation of the rights of indigenous peoples in the world, in which it denounced the continuing criminalization of those who defend the rights of indigenous peoples and the right to land throughout the world. In the resolution the European Parliament emphasized that the European Union and its member States must raise the question of the human rights of indigenous peoples and indigenous human rights defenders in bilateral and multilateral negotiations and diplomatic communications and push for the release of imprisoned human rights defenders, and called for the European Union and its member States to work to ensure that third-country Governments provided appropriate protection to indigenous communities and human rights defenders, and bring perpetrators of crimes against them to justice.[35] The Special Rapporteur welcomes the strong public stance taken by the European Union, which can play an important role in preventing violations.

87. At the international level, in March 2018 UNEP adopted a policy entitled "Promoting greater protection for environmental defenders" which identifies violations against indigenous peoples as a key concern which urgently requires prevention and protection measures to be stepped up. The policy provides for the establishment of a rapid response mechanism to speak out on individual cases and to advocate for the rule of law in environmental matters. UNEP simultaneously launched the Environmental Rights Initiative which urges Governments to strengthen institutional capacities to develop and implement policy and legal frameworks that protect environmental rights and that aims to assist businesses to better understand their environmental rights obligations.[36]

88. Another prevention initiative at the global level is the Framework of Analysis for the Prevention of Atrocity Crimes developed by the United Nations Special Advisers on the Prevention of Genocide and on the Responsibility to Protect as a guide for assessing the risk of genocide, crimes against humanity and war crimes from an early warning perspective. With the help of the Framework, various actors can sound the alarm, promote action, improve monitoring or early warning by different actors and help Member States to identify gaps in their atrocity prevention capacities and strategies. The Offices of the Special Advisers use the Framework to collect information and conduct assessments of situations that could potentially lead to atrocity crimes or their incitement.[37]

IX. Conclusions and recommendations

A. Conclusions

89. States carry the primary responsibility for ensuring that indigenous peoples are able to safely exercise their rights and that accountability is established for violations against indigenous defenders. Concerted action is urgently needed to halt the trend of attacks, criminalization and impunity for those who commit violations against indigenous peoples.

90. Large-scale development projects are major drivers fuelling the escalation of attacks and the criminalization of indigenous peoples. The frequent undertaking of such projects without genuine consultation or measures to seek the free, prior and informed consent of the indigenous peoples concerned must cease. Indigenous peoples are not against development, but they reject "development" models which have been imposed on them without their participation and undermine their rights to selfdetermination and their right to set their own priorities for the development of their lands,
territories and resources.

**B. Recommendations**

91. The Special Rapporteur addresses the following recommendations to States:

(a) All violent attacks against indigenous defenders must be promptly and impartially investigated and measures taken to provide for effective redress and reparation;

(b) A zero-tolerance approach to the killing of and violence against indigenous human rights defenders must be adopted at the highest level of Government. All public officials must refrain from stigmatizing indigenous communities affected by large-scale development projects and those defending their rights, and recognize that their concerns are legitimate components in a process aimed at securing sustainable development;

(c) States should ensure that legislation creates due diligence obligations for companies registered in their jurisdictions and those of their subsidiaries where there is a risk of human rights violations against indigenous peoples;

(d) Addressing criminalization requires a comprehensive review of national laws, the adoption of laws to ensure due process and the revocation of laws and criminal procedures that violate the principle of legality and contradict international obligations. Legislation that criminalizes indigenous livelihoods such as rotational agriculture, hunting and gathering should be repealed;

(e) Legislation and policies should be adopted to expressly support the protection of indigenous defenders and communities. Protection measures should ensure that both individual and collective protection aspects are addressed in practice, in close consultation with the indigenous peoples concerned. Indigenous-led protection initiatives should inform the design of all measures that are adopted by authorities in favour of indigenous communities at risk;

(f) In order to address the root causes of attacks and criminalization, collective land rights of indigenous peoples need to be recognized. This requires, inter alia, accessible, prompt and effective procedures to adjudicate land titles; the review of laws on expropriation; adequate mechanisms to resolve land disputes; effective protection from encroachment, including through early warning systems and on-site monitoring systems; and the prohibition of forced evictions;

(g) Law enforcement officials and prosecutors should be trained on human rights standards and refrain from the criminalization of indigenous peoples who are peacefully defending their rights to lands and resources;

(h) In order to implement the right to consultation and to free, prior and informed consent, such processes need to be based on good faith. It is indispensable that indigenous peoples be afforded genuine participation and access to information in a culturally appropriate manner in a language they understand. This requires their involvement at all phases, including human rights impact assessments, project planning, implementation and monitoring.

92. The Special Rapporteur recommends that independent national human rights institutions closely monitor complaints relating to large-scale development projects through regular dialogue with and visits to affected indigenous communities at risk of attacks.

93. The Special Rapporteur recommends that private companies:

(a) Exert human rights due diligence in all operations and adopt clear policy commitments to that effect;

(b) Perform ongoing human rights impact assessments for all projects, with the full participation of potentially affected indigenous communities;
(c) Avoid any acts of defamation which stigmatize indigenous peoples.

94. The Special Rapporteur recommends that international financial institutions and donors, as well as State agencies that provide international assistance, should adopt and implement environmental and social safeguards that are consistent with human rights obligations, including by:

(a) Requiring human rights impact assessments of all projects;

(b) Including specific protections for indigenous peoples;

(c) Requiring the effective participation of affected indigenous communities;

(d) Providing for effective procedures to pursue remedies.

95. The Special Rapporteur recommends that the international community monitor whether human rights impact assessments are conducted and whether specific attention is given to the participation and protection needs of indigenous communities. Accountability mechanisms should be supported.

96. The Special Rapporteur recommends that civil society continue to provide support and legal advice and facilitate the sharing of experiences in relation to protection measures for indigenous people.

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NOTES


[2] Information on all communications sent by the mandate holders can be consulted at https://spcommreports.ohchr.org/.


[10] Inter-American Court of Human Rights, Nonn Catriman and others v. Chile, judgment of 29 May 2014, para. 228.


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EFFECTIVE PRACTICES TO SUSTAIN DEVELOPMENT IN MOROCCO

Kerstin Opfer*

Natural landscapes are declining worldwide. Approximately 30 percent of the world’s natural forests are expected to be lost by the end of this century. Further, 25 percent of all land on earth is currently under threat of desertification, resulting in severe soil erosion and falls in productivity, food security, and biodiversity. Morocco is no exception. Over 90 percent of Morocco’s historical forest cover has already been decimated due to the combined effect of overexploitation, overgrazing, and worsening climate. The disastrous extent of Morocco’s environmental degradation poses a major threat to the country’s flora and fauna. According to the IUCN Red List, over 223 plant and animal species in Morocco are endangered. In addition, severe erosion, water run-off, floods, and soil depletion are critical concerns for human well-being, particularly in the communities who depend on natural resources and are marginalized with most experiencing systemic poverty.

Under these highly stressful conditions, conservation inherently remains a development issue and their combined mitigation has become an important political objective. As a result, a wide range of projects that provide communities with control over their natural resources and promote socioeconomic benefits were established. However, tackling environmental and societal issues at once can be challenging and many projects have failed to achieve both their conservation and development goals. Identifying a set of effective practices and sharing lessons learned is therefore crucial to successfully conserve natural landscapes and alleviate poverty.

To enable an understanding of effective practices, a Moroccan pro-poor agroforestry program was assessed using a new methodology that allowed the analysis of the linkage between conservation management, community interventions, and their influence on both development outcomes and biodiversity improvements. The evaluation of this program implemented by the High Atlas Foundation (HAF), a Moroccan-United States nonprofit organization, was carried out by this author, an independent primary investigator from April to September 2018. The study involved a desk-based review of relevant documents, 34 interviews, and six focus groups with seven staff members and 26 beneficiaries. The data were then analyzed and organized into an assessment booklet. This booklet was used by a group of independent professionals, who scored the performance of the program, determined successful practices as well as gaps, and gave recommendations for further improvement.

The assessment revealed that HAF in Morocco showcases exemplary, highly effective practices and, thus, can serve as a model project that should be lauded internationally. Since 2003, HAF has planted 3.6 million seeds and trees with a remarkable increase in 2018, enabled through establishing four new nurseries in partnership with Morocco’s High Commission of Water and Forests and Ecosia, a social business based in Berlin. Through the distribution of fruit trees, the foundation
facilitates the transition from subsistence barley and corn cultivation to surplus organic fruit tree farming. This helps preserve the natural environment by reducing soil erosion and flooding and increasing soil quality and plant regeneration, which is highly relevant for villages that face serious and at times dangerous levels of mountain erosion and desertification, exacerbated by farming of staples and cattle herding. One farmer observed: “Before when we just grew barley and corn, the soil lost quality fast and erosion took our land. Now the trees prevent this from happening. We also have more bees because bees love the flowers.”

Furthermore, the foundation was able to impact approximately 10,000 households by increasing their agricultural skills and income. In the Tifnoute Valley of the Taroudant province, for example, the foundation distributed between 10 and 100 cherry trees per farmer. They now generate $21 to $105 from each cherry tree, depending on the water availability, harshness of winters, production rates of previous years, and other factors. On average, this is ten times as much as farmers were able to earn from barley and corn. One farmer stated:

“Before we grew trees, we had to work hard to grow corn and barley. If I counted everything together and sold all the barley and corn without keeping anything for myself, I only gained $53 a year. A few years after the foundation gave me trees I was able to sell the fruits for $528 to $1,055 depending on how much my trees produced. With the income generated, I improved my family’s life.”

In addition, the increased income enabled communities to reinvest their profits in further communal ventures like school infrastructure, health care, or youth enterprises.

Key to this success is the foundation’s holistic strategy to meaningful community engagement. Through utilizing the participatory approach, the foundation involves communities in every step of the program, entrusts them with the authority to make decisions, and increases their capacity to be agents of change. This secures early community buy-in, prevents programs from being driven by external interests, and guarantees the program is designed with a thorough understanding of local context. Furthermore, through women empowerment workshops, skills-building, literacy classes, and other community-determined initiatives such as improving school infrastructure and enriching education, HAF addresses poverty from all angles. Thereby HAF acknowledges that poverty can manifest not only through shortfalls of income and food but also through a lack of access to education, equality, empowerment, and opportunity. One woman said:

“This tree and plant nursery changed our lives. Before the nursery we were just at home. Now with the help of the foundation we are able to work in the nursery, learn new skills, earn our own money, and help to provide for our families. This makes our life so much easier and men are starting to respect us. We are very proud of what we do
even when we encounter problems. We learned how to face the problems together, search for solutions, and keep going.”

The ongoing deterioration of landscapes and the significant dependency of rural poor on natural resources illustrate the need to considerably change conservation thinking. The High Atlas Foundation proves that meaningful community engagement through participatory methods is essential to sustainable, long-term success. A farmer concluded, “I have great expectations for the future. The trees we planted will be good for the environment, prevent soil erosion, and the project will benefit the communities and the associations in this area.” Therefore, community engagement should never be an afterthought or rhetorical, but should be fundamentally integrated into every conservation and development project. By sharing their lessons learned and effective practices, the High Atlas Foundation offers excellent potential for informing the global conservation and development community of how to develop impactful and beneficial programs.

*Kerstin Opfer holds a Master in Conservation and Rural Development at the Durrell Institute for Conservation and Ecology, University of Kent, and has traveled, worked, and lived in Morocco for over four years. She may be contacted at: kerstin.opfer@gmail.com.

**MEDIA NOTES**


Recent offerings from the University of New Mexico Press include: Jim kristofic, *Medicine Women: The Story of the First Native American Nursing School* (376 pp. for $34.95 paper); Leisa A. Kauffmann, *The Legacy of Rulership in Fernando De Alva Ixtlixochitl’s Historia de la nación chichimeca* (296 pp. for $65 cloth); Heather Law Pezzarossi and Russell N. Sheptak, eds., *Indigenous Persistence in the Colonized Americas: Material and Documentary Perspectives on Entanglement* (320 pp. for $75 cloth); Christopher Ball, *Exchanging Words: Language, Ritual, and Relationality in Brazil’s Xingu Indigenous Park* ($49.95 paper), all plus $5 for the first item and $1 each additional, shipping, from (800)848-6224 or (919)966-7449, orders@longleafservices.org, http://unm.longleafservices.org, or https://www.unmpress.com.


Offerings from the University of Oklahoma Press include: Raymond I. Orr, *Reservation Politics: Historical Trauma, Economic Development, and Intratribal Conflict* (239 pp. for $34.95 paper); Clifford E. Trafzer, *Fighting Invisible Enemies: Health and Medical Transitions among Southern California Indians* ($34.95 cloth, Ebook); Malcolm Ebright and Rick Hendricks, *Pueblo Sovereignty: Indian Land and Water in New Mexico and Texas* (392 pp. for

Offerings from the University of Alaska Press include: Michael Koskey, Laurel Tyrrell, and Varpu Lotvonen, eds., *Through Their Eyes: A Community History of Eagle, Circle, and Central* (195 pp. for $19.95 Paper); , all plus $6 first item, $1 each additional, from University of Alaska Press: www.alaska.edu/upress.


Offerings from the University of Kansas Press include: Katherine Jagodinsky and Pablo Mitchel, *Beyond the Borders of the Law: Critical Legal Histories of the North American West* (368 pp. for $29.95 paper or Ebook, $50 cloth); Matthew Sakiestewa Gilbert, *Hopi Runners: Crossing the Terrain between Indian and American* (296 pp. for $27.95 cloth); and Farina King, *The Earth Memory Compass: Dîné Landscapes and Education in the Twentieth Century* (288 pp. for $24.95 paper), all, plus $5 for first item, $1 for each additional, shipping, from: WWW.kansaspress.ku.edu.

Books from University of Minnesota Press include: Nick Estes And Jaskiran Dhillon, eds., *Standing with Standing Rock: Voices from the #NoDAPL Movement* (448 pp. for $24.95 paper or Ebook, $100 cloth); Christopher Pexa, *Translated Nation: Rewriting the Dakhóta Oyáte* (How authors rendered Dakhóta philosophy by literary means to encode ethical and political connectedness and sovereign life within a settler surveillance state; 304 pp. for $25 paper or Ebook, $100 cloth); and Collected And Illustrated By Emilie Demant Hatt Translated By Barbara Sjoholm, *By the Fire: Sami Folktales and Legends* (The first English publication of Sami folktales from Scandinavia collected and illustrated in the early twentieth century; 2018 pp. for $24.95 cloth of Ebook), all plus $6.00 for 1st book, $1.25 each additional book, shipping, from: https://www.upress.umn.edu.
Clear Light Books has numerous Indigenous publications, but as they are not dated in the catalogue we cannot tell which are new to list here. Books from Clear light are all plus $4.00 first item, $.50 for each additional, from Clear Light Books, http://www.clearlightbooks.com.


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Ph.D. Dissertations from Universities Around the World on Topics Relating to Indians in the Americas, Compiled from *Dissertation Abstracts*

Jonathon Erlen, Ph.D., History of Medicine Librarian, Health Sciences Library System
University of Pittsburgh, erlen@pitt.edu

and

Jay Toth, M.A., Professor of Anthropology, SUNY Freedom, jtoth@atlanticbb.net
IPJ hosts a regularly updated database 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 provider 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.


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Useful Web Sites

Environmental Web Sites


UN NGO Climate Change Caucus, with numerous task forces, is at: http://climatecaucus.net.


350.org works around the world on climate change related issued, at: www.350.org.

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.ucsusa.org.

Environmental Action is active on numerous environmental issue, at: environmental-action.org.

Environment America works on environmental issue in the U.S. at: https://environmentamericawebaction.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 issue, 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/.

**Avaaz.org** works internationally on environmental and peace and justice issues: http://www.avaaz.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.

**Earthjustice** focuses on environmental issues and action: http://action.earthjustice.org.


**SaveOurEnvironemnt.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-ozeania.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.


Green Inc. is a new blog from The New York Times devoted to energy and the environment at: greeninc.blog.nytimes.com.

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 CHEL- LANG-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/.
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 600MB in version 1.2 -- that were scanned in and cataloged by the agency's Office of Federal Affairs.
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.”

First Peoples World Wide, focuses "on funding local development projects in Indigenous communities all over the world while creating bridges between our communities and corporations, governments, academics, NGOs and investors in their regions. We facilitate the use of traditional Indigenous knowledge in solving today’s challenges, including climate change, food security, medicine, governance and sustainable development." http://firstpeoples.org.

The RaceProject has a Facebook age 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.


http://www.nicwa.org/resources/catalog/index.asp’ Information Packets are at: http://www.nicwa.org/library/library.htm, Other resource sources are: the Indian Law found through internet search engines such as Google. Some sources are:


Compliance, from the Casey Foundation is at: http://www.cassey.org.

Other resources include Federal agencies and Native organizations. http://www.tribal-institute.org/lists/icwa.htm. Other resource sources are: the Indian Law found through internet search engines such as Google.

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

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](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 National Council Of Urban Indian Health is at: [http://www.ncuih.org/](http://www.ncuih.org/).

Wicazo Sa Review, i an interdisciplinary journal devoted to the mission of assisting indigenous peoples of the Americas in taking possession of their own intellectual and creative pursuits, is at: [https://americanindian.clas.asu.edu/review](https://americanindian.clas.asu.edu/review).

A web site dedicated to tribal finance, [www.tribalfinance.org](http://www.tribalfinance.org).

Lessons In Tribal Sovereignty, at: [http://sorrel.humboldt.edu/~go1/kellogg/intro.html](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](http://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](http://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](http://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](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 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.


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Employment Opportunity:
Assistant Director for Development for American Indian Programs at UNC Pembroke

The University of North Carolina at Pembroke is seeking an Assistant Director for Development for American Indian Programs.

Primary Purpose of the Position

The Assistant Director of Development for American Indian Programs should be an entrepreneurial development professional who will serve as the lead fundraiser for the Museum of the Southeast American Indian, American Indian Studies department, and the future School of American Indian Studies.

Job Description

The Assistant Director works in partnership with the Director of the Museum of the Southeast American Indian and the Director of the American Indian Studies Program in securing major gifts in support of the museum’s and program’s strategic goals. This position is expected to develop and manage a robust prospect portfolio to meet established goals. It would be beneficial for this person to have a working knowledge of the American Indian focused programs at UNCP. This position reports to the Associate Vice Chancellor of Advancement.

- Develop meaningful, productive relationships with a portfolio of donors including alumni, friends, and parents to secure philanthropic funding for the Museum and the Program at all levels including gifts of $25,000 or more.
- Implement solicitation strategies for major gift donors as well as planned gift donors.
- Work with the museum staff and American Indian studies faculty on the successful solicitation of grants and gifts from companies and foundations.
- Assist the Director of Alumni Engagement with identifying and managing alumni from these programs.
- Identify and cultivate current and new prospects including graduates and other key constituencies.
- Engage Deans, administrators and faculty in cultivation and solicitation of prospects.
- Plans and executes donor cultivation activities.
- Complete 10 – 12 donor visits per month.
- Manage a portfolio of 100 – 150 prospects.
- Articulate UNCP’s needs, values and mission through excellent informal and formal communications.
- Draft compelling and persuasive proposals that meet the needs of the Museum and the Program while also targeting donors’ passions.

Minimum Requirements

- Bachelor’s degree in a related field and one year of fundraising experience required.
- Ability to work independently as well as part of an effective team
- Exemplary interpersonal and communication skills
• Ability to travel occasionally. Some nights and weekends are required.

Salary

• Salary is commensurate with education and experience

Job Posting

• https://jobs.uncp.edu/postings/5105

More Information

• Contact Brittany Sandefur, Director of Development, at 910.775.4661 or brittany.sandefur@uncp.edu.

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Lawrence T. Locklear (Lumbee), M.P.A.
Program Coordinator, Southeast American Indian Studies Program
The University of North Carolina at Pembroke
1 University Drive | P.O. Box 1510 | Pembroke, NC 28372
O: 910.775.4579 | F: 910.522.5795
www.uncp.edu/sais | lawrence.locklear@uncp.edu
Facebook: www.facebook.com/sais.uncp
Twitter: www.twitter.com/saisuncp

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