

Contact: Faith Gemmill
REDOIL
456 N. Alaska St.
Palmer, AK 99645
PH: 907-750-0188
FAX: 907-707-1164

**U.S. Civil Society Consultation of the United Nations Working
Group on the Issue of Human Rights and Transnational
Corporations and Other Business Enterprises**

Washington D.C.

Georgetown University Law Center

April 23, 2013

SUBMISSION TO THE UN WORKING GROUP ON THE ISSUE OF
HUMAN RIGHTS AND TRANSNATIONAL CORPORATIONS AND
OTHER BUSINESS ENTERPRISES

VIA THE INTERNATIONAL INDIAN TREATY COUNCIL

Alaska Natives and Oil and Gas Development

“Despite glitzy, multi-million dollar advertising campaigns designed to convince consumers that oil companies care about the communities in which they operate, the reality on the ground is very different. Transnational oil companies routinely lie to communities about the impacts of their operations and often do not consult them at all. Communities’ right to know what the impacts of these projects will be and, more importantly, their right to say NO to projects they do not want has never been respected by Big Oil, the large, multi-national oil companies like ChevronTexaco, ExxonMobil, BP, ConocoPhillips and Shell. When oil companies enter an area to extract oil, they inflict a battery of problems on local communities.”

--The Real Price of Oil-- Project Underground

Land Claims and Oil:

Our Indigenous Rights are intrinsically interconnected with our environment due to the intimate connection we have to our lands in relation to our physical nourishment and health, our cultural practices, our spirituality, and especially our social systems. The reality is our land and ecosystem left intact is the greatest assurance that our Indigenous Rights will remain intact. Therefore when we talk of ensuring our Indigenous Rights in the terms of development it is a contradiction.

On the issue of resource extraction the government is usually in partnership and alliance with the company that is seeking to develop the resources on our lands. When an oil and gas company enters a territory, one of the first steps to development of natural resources is to determine "Land Claims" because obviously the company wants a clear path without obstacle into obtaining the resource, they need to have a "Right of Way" often times for the company to obtain a right of way it is at the expense of our Indigenous land rights. When we (Indigenous Peoples) think of our homelands, we think in terms of time immemorial, our lands have always been ours. When land claims is initiated our lands that we have to ensure our survival since time immemorial gets traded away or negotiated and we often times come out with less than what we started out with. This is the first erosion of Indigenous Rights in the face of economic development within our traditional territories.

The next issue of loss to our Indigenous Rights is the values of the land and the natural resources within our lands are compromised. What we need to survive in a spiritual, social and cultural context is undermined. The land becomes polluted and destroyed, with that everything we are as a people becomes eroded and over time lost with each generation. We have such a profound connection to our homelands, that when our land is unsustainably developed, this "loss" to our livelihood is inevitable.

To understand the current situation related to oil and gas development in Alaska, you must understand the history of Alaska Indigenous Peoples and land claims to give a little context to the destruction and legacy of oil and gas development in Alaska.

The discovery of oil at Prudhoe Bay in 1968 established an alliance of the Federal Government and Multinational oil companies to promote their combined interests. This alliance provoked an urgency to further settle the land claims in Alaska to provide for a right of way for the Trans Alaska pipeline to access the resources on the North Slope and bring it to Market. The US Congress unilaterally passed the Alaska Native Claims Settlement Act (known as ANCSA) in 1971 to legitimize US ownership and governance over Indigenous peoples, our lands, and access to our resources. ANCSA created for profit Native regional and village corporations and also conveyed our ancestral lands to the newly created corporations instead of existing Tribal governments, because the US government considered Tribal governments an impediment to assimilation and a threat to US control in Alaska. The lands, which were taken from us through this Act, became “corporate assets” of these newly created state chartered limited liability for-profit Native Regional and Village corporations. The sole purpose of a corporation is profit at all cost; a corporation does not look out for the health and well being of the people. Whereas the Tribes purpose is the health and well being of the people. Two contradictory purposes now in place.

ANCSA changed the dynamics of how Alaskan Natives relate to the land, but also how we relate to one another. State and Federal promoted economic development interests are aligned with these Native corporations that pursue lands and marine ecosystems for economic gain despite adamant opposition by Alaska Native Tribes whose way of life is endangered by such proposals.

Now, the legacy of ANCSA is our ancestral homelands are compromised by exploitation and polluted beyond reparation. Most Alaska Natives believe ANCSA was an illegitimate infringement upon our inherent right of Self-Determination and subsistence ANCSA was put forth to eliminate aboriginal title to our ancestral territories, to access and exploit our resources, to assimilate Alaska Natives and incorporate us into western society and value system, but also to divide and conquer Alaska Natives, the same tactic that the US implements when dealing with Indigenous peoples throughout the world.

Before ANCSA Alaska Native people had title to 100% of Alaska, after ANCSA we owned a mere 10% of Alaska (held as corporate assets) ANCSA eliminated aboriginal title to our ancestral territories. Many Alaska Natives now realize how atrocious the act was, and many now want to seek repeal of ANCSA itself or certain sections and provisions within the Act.

Article 8 of the UN Declaration on the Rights of Indigenous Peoples States:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action, which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

North Slope oil and gas development footprint:

Sprawl on the North Slope: There is sprawl across 1,000 miles. There are more than 5,549 exploratory and production wells, 225 production and exploratory drill pads, over 500 miles of roads, 1,100 miles of trunk and feeder pipelines, two refineries, 20 airports, 115 pads of living quarters, five docks, 36 gravel mines, more than 390 gravel pads and 27 production plants, gas processing facilities, seawater treatment plants and power plants.

Air quality and pollution on the North Slope: Prudhoe Bay air emissions annually are over 70,413 tons of Nitrogen Oxides (This is twice the amount that is emitted in Washington DC annually) according to the US EPA. Other pollutants are: 1,470 tons of sulphur dioxide, 11,560 tons of carbon monoxide and 2,670 tons of volatile organic compounds. Greenhouse gases in large quantities are

emitted annually including 24,000 metric tons of methane and 15.26 million metric tons of Carbon Dioxide.

Spills and waste discharges on the North Slope: There are over 450 spills annually on the North Slope. More than forty-five different substances from Acid to Waste Oil have been spilled routinely. Between 1996-2008 there were 5,895 spills, which total more than 2.7 million gallons of toxic substances such as diesel crude to hydraulic oil.

The statistics speak for themselves as to the atrocity of pollution and development on the North Slope.

These figures are drastically underestimated since the studies are outdated now; thereby the actual figures in some of the above estimates are much higher now.

Subsistence:

Alaska Native communities are constantly working toward basic survival. The term “subsistence” may not mean much to many, but to Alaska Natives the term “subsistence” is about our rights, livelihood and survival. Alaska Native communities are largely remote and usually only accessible by air. Some communities that are located along river ways or coastal areas may be accessed by boat and barge in the summer and when the waters are open for travel. Few communities are located on the highway system. There are not large grocery stores in communities, only small stores, and the cost of freight nowadays is so high, thereby the cost of food is higher than in cities that Alaska Natives fare better living their subsistence livelihood. Alaska Native subsistence livelihood is based on the bounty of the land, which alleviates a financial burden on community members. For Alaskan Indigenous communities, subsistence is more than hunting, fishing and gathering, it is a “Way of Life” that has been passed on for millennia, and it is entirely dependent on a healthy environment.

Protection of our subsistence livelihood is a matter of survival and entirely dependant on a healthy ecosystem and environment. When a large-scale development project comes into our territory, we suffer

severe loss and harm to our subsistence foods, thereby threatening food security of Alaska Natives.

Article 20 of the UN Declaration on the Rights of Indigenous Peoples States:

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

Current Threats:

Both the Beaufort and Chukchi Seas are currently under serious threat of proposed offshore development by Shell Oil which has been the most aggressive company seeking to develop offshore resources in Alaska's Outer Continental Shelf. The Inupiat inhabit America's Arctic Coastal regions in the North Slope. The Beaufort and Chukchi Seas provide Inupiat with their subsistence needs which revolves around a whaling culture and way of life reliant upon the Bowhead Whale, but Inupiat are also dependant on various species of marine animals that provide them with much needed sustenance to survive in a land of extremes.

Currently there is no proven method of cleaning up an oil spill in Arctic ocean conditions; nor is there capacity for trained personnel or equipment in the region capable of carrying out an effective response plan for an offshore spill; and there is a clear lack of basic scientific information about the ocean ecosystem.

Arctic National Wildlife Refuge- The Gwich'in Nation has had a longstanding commitment to resist oil and gas exploration and development of the coastal plain of the Arctic National Wildlife Refuge- they call this place "Izhik Gwatsan Gwandaii Goodlit" The Sacred Place Where Life Begins. This place is sacred to their people because it is the birthplace and nursery for the Porcupine Caribou Herd, as well as other species. The Gwich'in rely on the Caribou to

meet their physical, cultural, social, spiritual and economic means. This area is the last 5% of America's Arctic coast that is still protected, 95% of the coast is open to oil and gas development. If the Arctic Refuge is ever developed it will set National precedent and other protected areas throughout the US will be under threat and at risk. There is always an effort in Washington DC to move forward on drilling here.

National Petroleum Reserve of Alaska-The Teshepuk Lake area within the NPRA is a prime subsistence use area for communities on the North Slope. This area is also under threat. The Inupiat have consistently spoken out to protect this subsistence use area. Yet the oil companies continue to seek development within the Teshepuk Lake among other areas of NPRA such as the current operations of Alpine oil field, which now surrounds the community of Nuiqsut. Alpine oil field contributes to severe human health conditions in Nuiqsut due to close proximity of the fields to the community and gas flaring on a consistent basis.

Yukon Flats Wildlife Refuge- In the Interior of Alaska is under threat by Doyon Native Corporation pursuing drilling of "corporation" lands, which are near the communities of Birch Creek, Beaver, Chalkyitsik and Ft. Yukon. The Gwich'in and Koyukon communities of this region subsistence way of life based on Yukon River King Salmon, and Moose among other subsistence resources will be directly impacted by any oil and gas development here. The mighty Yukon River flows adjacent to the areas that Doyon Native Corporation intends to develop, there are 66 Indigenous communities that rely on the bounty of the Yukon River and their subsistence way of life will be directly impacted. 99% of Gwich'in spoke in opposition to any drilling in the Yukon Flats Wildlife Refuge at Draft Environmental Impact Statement hearings to address a potential land exchange between the corporation and Fish and Wildlife Service in 2010, which caused the Fish and Wildlife Service to vote to take no action on that issue. Though the land exchange was defeated, Doyon Native Corporation is still pursuing development of corporation lands in the Yukon Flats despite objections by the Gwich'in and Koyukon of the region who will bear the brunt of any development there.

Article 26 of the UN Declaration on the Rights of Indigenous Peoples

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.

Climate Change:

The burning of fossil fuels is the major human cause of emissions that are resulting in global warming. Global warming is leading to shifts in the world environment that are resulting in a significant increase in devastating and alarming weather patterns. Effects of global warming in Alaska alone include altered weather patterns, more severe storms, erosion of coastal areas, greater precipitation, thawing permafrost, melting sea ice, receding glaciers, increased instance of spruce bark beetle infestation, increased and severe forest fires, declining fish populations, migratory and habitat disruptions of key subsistence resources, and disruption of all natural cycles of life. These impacts lead to loss of subsistence resources and rights, relocation of communities, and to negative social statistics related to human health. One of the major impacts is Alaska Native communities are struggling with forced relocation as coastlines no longer protected by sea ice erode, they in essence are now becoming environmental refugees or climate refugees.

The current impacts of climate change on Alaska's Indigenous peoples are perpetuated by the incessant demand for energy to feed the high consumption appetite of America. Current energy policy disproportionately targets our homelands and continually puts our subsistence way of life at risk. The sovereign authority of Alaska Natives is undermined as our ancestral ways of life and homelands are imperiled by devastating proposals for further resource extraction

of fossil fuels and minerals. The devastation is compounded by climate change and vice versa.

Health and Oil and Gas Development:

The health of Alaska Natives has steadily declined since oil and gas development first began over thirty years ago. Alaska Natives trying to maintain their fishing and land-based cultures, have been losing an uphill battle against a 'soup mixture' of invisible toxic intruders entering their bodies through their food source, air, land and water.

Exxon Valdez cleanup efforts, for example, involved working with both crude oil and strong solvents. Immediately after the cleanup, workers have been found to have traces of oil in their lungs, blood cells and fatty tissue and experienced symptoms such as breathing problems, headaches, chemical burns and nausea. More than a decade later many of the workers are still experiencing long-term health effects, such as respiratory illnesses, that they believe can be attributed to their time at Valdez. Court records show that Exxon never reported any of the more than 6,700 cases of respiratory illnesses among workers involved in the cleanup of the Valdez oil spill to federal and state oversight agencies, so no long-term monitoring program was implemented. So far there has been no official effort to track the health of the workers in this most public cleanup, let alone among the thousands of spills that occur on an annual basis.

Communities living along side oil production and refining sites suffer irreversible health impacts from long term exposure to spent chemicals (nitrous oxides, benzene, sulfuric acid, and ammonia). Nitrogen oxide emissions from Prudhoe Bay oilfields were 56,427 tons in one year (June 1994 to June 1995), twice the total emitted in Washington D.C. (This does not include emissions from production facilities at Kuparuk, Alpine, Badami or Pt. McIntyre oil fields, or Northstar). Nitrogen oxides (NOx) can irritate the lungs, cause bronchitis, pneumonia, and pulmonary edema, and lower resistance to respiratory infections like influenza. Asthma, almost nonexistent in the Alaska Native population twenty years ago, has experienced a sharp increase. By 2001, asthma rates for Natives rose to about 70 percent higher than those in the Non-Native population. (IHS)

Another alarming statistic relates to Alaska Native infant mortality, and which is double that of the general U.S. population, mostly due to an increase of sudden infant death syndrome. Native and other arctic region children are reported to have a higher-than-usual rate of certain infectious diseases, including pneumonia. Cancer, a disease rarely seen in Alaska during the 1950s, became the leading cause of death in Alaska in the 1990s, accounting for 25 percent of all fatalities. In addition, cancer mortality among Alaska Natives is 30% higher than the U.S. and Alaska averages. Although no one has yet linked such information to environmental contaminants, they are suspect. All these impacts are rampant in communities near oil production and refinery facilities.

Diabetes has also increased among Alaska Natives over the past decade as traditional food lifestyles shift to a more dominant Western-style diet. The prevalence of diabetes among Alaska Natives is currently similar to that of whites, and increasing at a higher rate than in the U.S. population as a whole. Since diabetes and high blood pressure weaken the immune system, a large percentage of Alaska Natives find themselves at higher risk of toxic exposure.

The Bureau of Land Management (BLM) reported in an environmental impact statement that cancer and chronic diseases such as diabetes, hypertension and asthma, are increasing among Alaska Natives especially on the North Slope. Observations reported by a health aide working in Nuiqsut support this with reports of asthma increasing more than tenfold between 1985 and 1998.

BLM has acknowledged that pollutants prevalent in oil fields, including nitrogen dioxide, sulphur dioxide, ozone, lead, and carbon monoxide are “causing and exacerbating respiratory illnesses” and “have been associated with...excess overall mortality rates among vulnerable groups.” The agency also noted that increased levels of oil development activity could result in substantial impacts to human health, primarily as a result of restrictions to subsistence.

Few studies have been published in the United States on the health effects of oil and gas exploration and extraction on communities living and working in the vicinity of these activities. A lack of specific evidence, however, does not negate the fact that oil and gas

operations use and produce toxic contaminants that adversely affect human health. Available studies show that exposure to air pollutants, toxic chemicals, metals, radiation, noise and light pollution cause a range of diseases, illnesses, and health problems, including psychological and social disruption. Neighborhoods, schools, and workers in close proximity to oil and gas activities may be at increased risk for cancer, cardiovascular disease, asthma, and other disorders due to uncontrolled or high exposures

Cumulative Environmental Effects of Oil and Gas Development:

National Academy of Sciences 2003 Cumulative Environmental Effects of Oil and Gas Development on Alaska's North Slope "Effects on the Human Environment."

- "Alterations to the North Slope physical environment have had aesthetic, cultural, and spiritual effects on human populations." (p.137)
- "The committee heard repeatedly from North Slope Inupiat residents that the imposition of a huge industrial complex on the Arctic landscape was offensive to the people and an affront to the spirit of the land." (p.138)
- "Given that most of the affected areas are not likely to be rehabilitated or restored to their original condition, these effects will persist long after industrial activity has ceased on the North Slope." (p.157)
- "The Alaska Native Claims Settlement Act (ANSCA) fundamentally changed the relationship between North Slope Alaska Natives and the environment they had occupied for thousands of years. The effects of that change accumulate to the present." (p.133)
- "North Slope residents also reported that traditional subsistence hunting areas have been reduced, the behavior and migratory patterns of key subsistence species have changed, and that there is increased incidence of cancer and diabetes and disruption of traditional social systems." (p.139)
- "They also see vastly increased time, effort, and funding necessary to respond politically and administratively to the ever-multiplying number of projects proposed in their own back yards." (p.139)
- "In addition to stress contributing to adverse health effects, oil

development has increased the smog and haze near some villages, which residents believe is causing an increase in asthma. The stress of integrating a new way of life with generations of traditional teachings has increased alcoholism, drug abuse, and child abuse. Higher consumption of non-subsistence food...has increased the incidence of diabetes.” (p.225)

- “That few who live in the North Slope Borough are directly employed by the oil and gas industry has been noted for almost two decades (Kruse et al. 1983 and is supported by findings of both the NSB survey (NSB 1999) and the Alaska Department of Labor (Alaska Department of Labor and Workforce Development 2001).” (p.146)

- “In addition, Inupiat at Prudhoe Bay find they are a small minority in a primarily white workforce that can sometimes express hostility toward Alaska Natives. The jobs available to the Inupiat often are seen by them as menial or as token jobs.” (p.146)

- “Hunting the bowhead [whale] has been the Inupiaq cultural anchor as change has come to the North Slope. The ongoing, accumulating effects posed by offshore development, in the form of perceived threats, would be diminished only by clear evidence that the technology exists to mitigate large oil spills in broken ice. There is no evidence to date that such cleanups are possible...the size of bowheads makes them an extremely important food source.” (p. 135)

“Alaska Native residents told the committee that there are subtle changes in species harvested by subsistence hunters, who have identified changes in the color, texture, and taste of the flesh and skin of several species.” (p.136)

- “On-land subsistence activities have been affected by the reduction in the harvest area in and around the oil fields. The reductions are greatest in the Prudhoe Bay field, which has been closed to hunting, and in the Kuparuk field, where the high density of roads, drill pads, and pipelines inhibits travel by snow machine. The reduction in area used for subsistence is most significant for Nuiqsut, the village closest to the oil-field complex. Even where access is possible, hunters are often reluctant to enter oil fields for personal, aesthetic, or safety reasons. There is thus a net reduction in the available area, and this reduction continues as the oil fields spread.” (p.156)

- “Roads have had effects as far-reaching and complex as any physical component of the North Slope oil fields. In addition to their direct effects on the tundra, indirect effects are caused by dust,

roadside flooding, thawing of permafrost, and roadside snow accumulation. Road and activities on them also alter animal habitat and behavior and wildland values and can increase access of hunters, tourists, and others to previously inaccessible parts of the region.” (Summary)

- “Human and financial capital and nonrenewable resources can be, and usually are, actively committed to and consumed by the new development. If the new activity is not sustainable, when it declines or ceases communities or regions can be left less able to survive in their environment than they were before the new development came along.” (p.147)

- “For North Slope residents, the current way of life of North Slope communities made possible by oil and gas activities will be more difficult to maintain when these activities cease as oil is depleted because other sources of funds appear to be modest. Eventual adjustments to reduced financial resources are unavoidable.” (Summary)

- “Alaska Natives told the committee that anxiety over increasing offshore and onshore oil and gas activity is wide-spread in North Slope communities. Hunters worry about not being able to provide for their families or about the added risk and expense of doing so if game is more difficult to find. Elders who can no longer provide for themselves worry about the challenges facing younger hunters who will go to great lengths to provide them with essential and traditional foods. Families worry about the safety of hunters who must travel farther and more often if game is not easily accessible. Many adult residents already lead dual lives as wage earners and subsistence providers for their families. They also are faced with the need to attend industry- related meetings and hearings, and review documents, because they believe that decisions will be made that can significantly affect their daily lives and those of generations to come. They worry about contamination of the food they consume and know that their health will suffer if they are unable to eat as their ancestors did.” (p. 139)

- “The Gwich’in believe that oil and gas-related activities there [in the coastal plain 1002 area of the Arctic National Wildlife Refuge] would affect the reproductive potential and migration patterns of the Porcupine Caribou herd and as a result threaten their way of life. As with the Inupiaq concerns about offshore development, the beliefs are intense and widespread and themselves constitute a continuing effect

that is exacerbated by the past and current political debate over development in the Arctic National Wildlife Refuge... The threats accumulate because there have been repeated attempts to develop the area and there is continuing pressure to do so.” (p.156)

Conclusion:

With continued fossil fuel and mineral exploitation the only lasting result is violations to Alaska Native human rights, lands and territories, health and well being of our peoples at this time when we are in Climate Crisis. Alaska is Ground Zero for US Energy Policy. The Energy Policy of the US is being implemented here and it is threatening our Indigenous homelands, and our subsistence cultures, which are reliant upon a healthy ecosystem and environment. Today's profit driven economies are not sustainable and threaten the existence of our future generations. Due to all the realities experienced by Alaska Native Peoples, we strongly recommend:

A moratorium on all new exploration for oil, gas and coal as a first step towards the full phase-out of fossil fuels with a just transition to sustainable jobs, energy and environment. We take this position and make this recommendation based on our concern over the disproportionate social, cultural, spiritual, environmental and climate impacts on Indigenous Peoples in Alaska

The Declaration on the Rights of Indigenous Peoples provides a universal framework for recognizing Indigenous Peoples' rights including lands rights, treaties, cultural rights and free prior and informed consent in the US which are very applicable and relevant. Of Particular reference, key articles within the UNDRIP are pertinent to the situation of oil and gas development and Alaska Natives:

Article 19 of the UN Declaration on the Rights of Indigenous Peoples States:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting

and implementing legislative or administrative measures that may affect them.

Article 25 of the UN Declaration on the Rights of Indigenous Peoples 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 29 of the UN Declaration on the Rights of Indigenous Peoples States:

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 32 of the UN Declaration on the Rights of Indigenous Peoples States:

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other

resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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

Article 40 of the UN Declaration on the Rights of Indigenous Peoples States:

Indigenous peoples have the right to access to and prompt decision 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 a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Hai' Shalak Naii (Thank You, All My Relations)