Re: Urgent Appeal Request

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CC Email: srwatsan@ohchr.org
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Dear Special Rapporteur on the human right to safe drinking water and sanitation; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the rights of indigenous peoples; and Special Rapporteur on the situation of human rights defenders,

Authorities, under the order of State of North Dakota homeland security director Greg Wilz, removed access to drinking water from members of the Standing Rock tribe, a Lakota indigenous people on the Standing Rock reservation of North Dakota that have gathered to protect their land, water and environment from the construction of the Dakota Access oil pipeline. The drinking water had been provided for humanitarian reasons by a previous decision of the North Dakota Department of Health at the tribe’s request to support the roughly 2,500 people now gathered along the Standing Rock reservation’s border on the Cannonball River.

In addition to this direct interference with the right to water, the pipeline itself threatens the source of water for the Standing Rock reservation and others. The pipeline, which would carry up to 570,000 barrels of fracked Bakken oil daily across four states to a market hub in the State of Illinois, puts the sacred waters of the Missouri River at great risk. Although the pipeline poses a great risk to the wellbeing of the tribe and the environment generally, the U.S. Army Corps of Engineers granted Energy Transfer Corporation approval for the 1,172-mile pipeline without tribal consent. On 31 August
2016, the United Nations Permanent Forum on Indigenous Issues reminded the U.S. that free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

The pipeline also violates treaty obligations, including the 1851 and 1868 Ft. Laramie Treaties between the Oceti Sakowin and the United States. The approval of the pipeline by the United States further violates the rights to self-determination, national sovereignty, and free, prior, and informed consent as to those matters that may affect them, rights secured to all peoples by the Charter of the United Nations, Art. 73; the International Covenant on Civil and Political Rights, Art. 1, 3 (ICCPR); and specifically to indigenous peoples under the United Nation's Declaration on the Rights of Indigenous Peoples, Art. 3, 4, 11, 18, 19, 27, 28, 32, 37, 40 (UN DRIP), and Convention 169 of the International Labor Organization (ILO), Art. 6.

We ask that you intervene urgently with the U.S. Government and raise the violation of the right to water and other rights as mentioned above and the risk of violation of the rights to water and to a safe, clean, healthy and sustainable environment of the Standing Rock tribe and others. This intervention should include calling on the U.S. Government of meet its obligation to respect the right to water; the right to a safe, clean, healthy and sustainable environment; and the overall rights of indigenous peoples as well as its obligation to protect by ensuring that the State of North Dakota and private corporations do not violate such rights. The intervention should call for the immediate restoration of drinking water and cessation of the construction of the pipeline.

Sincerely,

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