



December 2, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

Amnesty International urges you to halt construction of the Dakota Access Pipeline and ensure that the human rights of Indigenous Peoples and others opposed to the pipeline are respected, protected and fulfilled—including their right to peaceful protest and assembly.

The United States Army Corps of Engineers should conduct an Environmental Impact Statement, including consultation with the Standing Rock Sioux Tribe about the environmental and cultural impacts of the pipeline. The government should have sought the Tribe's free, prior and informed consent (FPIC) before approving the pipeline and should seek it now before moving forward with construction regardless of the outcome of the Environmental Impact Statement. Until then, we urge you to ensure that construction fully stops and that no drilling under the Missouri River takes place.

We also urge you to ensure that the free, prior and informed consent of Indigenous Peoples is sought before the government approves any other major infrastructure projects, including pipelines, that carry a risk of harm to their human rights. The requirement for FPIC in such circumstances is enshrined in international law and should be reflected in US law and policy. We urge you to issue an Executive Order guaranteeing FPIC rights and to work with Congress to pass legislation to that effect before you leave office.

Indigenous Peoples' rights regarding FPIC were recognized at the international level in response to a demand from the global movement of Indigenous Peoples. Their legally binding status has been confirmed in a number of rulings of the Inter-American Court of Human Rights. The principle has also been established in decisions of the UN Human Rights

Committee and the African Commission on Human and Peoples' Rights. It has been formalized in standards such as General Recommendation no. 23 on the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) of the United Nations (1997), policies of UN agencies, and culminating in the UN Declaration on the Rights of Indigenous Peoples. The Declaration's provisions on FPIC build on the provisions of the earlier ILO Convention 169 requiring consultation. They are an important vehicle for giving effect to the right of Indigenous Peoples to self-determination (Art. 3 of the Declaration).

One hundred and forty-four states voted for the Declaration in 2007 when it was brought before the UN General Assembly, 11 abstained and four voted against. However, the four states that voted against the Declaration, Australia, Canada, New Zealand and the United States have now declared that they support it. The unanimously adopted outcome document of the UN World Conference on Indigenous Peoples (2014) calls for complete implementation of the Declaration.

FPIC applies in those cases where the rights of an Indigenous People might be impacted by a particular policy or development project. It is important to emphasize that the necessity of FPIC rights for Indigenous Peoples arises from their collective modes of living and decision-making structures; the irreparable damage that can be caused by initiatives which impact significantly on their cultural integrity or land rights; and cumulative impacts of human rights violations stemming from colonization or external rule.

Amnesty International is also deeply concerned about the treatment of people opposed to the Dakota Access Pipeline by law enforcement, including the Morton County Sheriff's Department and the Bismarck Police Department. We have sent four human rights observer teams to Standing Rock and have documented an over-militarization of law enforcement in response to largely peaceful protests and possible instances of excessive use of force.

The decisions by the Governor of North Dakota and the U.S. Army Corps of Engineers to close federal land north of the Cannonball River may further escalate tensions. They violate the human rights of Indigenous communities and others opposed to the Dakota Access

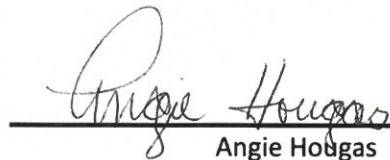
Pipeline, including the right of Indigenous Peoples to access land where they have sacred sites, and the right to peaceful protest within sight and sound of their focus, the pipeline construction. Amnesty International urges the Governor of North Dakota and the Army Corps of Engineers to amend or rescind the evacuation orders to ensure human rights are not violated.

To protect the human right to peaceful protest and help ensure that human rights are not violated, we have written to Attorney General Loretta Lynch, urging the Department of Justice to investigate the policing of the Dakota Access Pipeline protests in North Dakota. Should the DOJ investigators uncover any civil rights violations by law enforcement, individual officers, in particular any who are suspected of responsibility for excessive use of force, should be charged and prosecuted.

We recognize the work you have already done to uphold the rights of Indigenous Peoples, including signing the Tribal Law and Order Act and announcing the endorsement of the USA of the UN Declaration on the Rights of Indigenous Peoples. We urge you, in your remaining time in office, to do everything in your power to ensure that the US government respects, protects and fulfills the human rights of Indigenous Peoples and others, and upholds the right to peaceful protest.

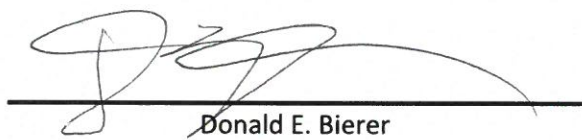
Sincerely,


Rana Abdelhamid

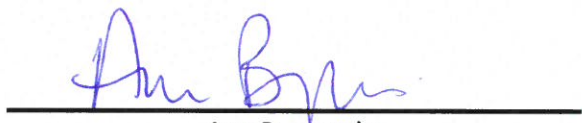

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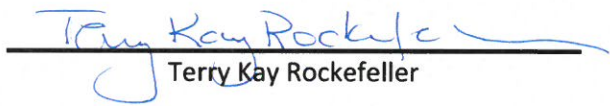

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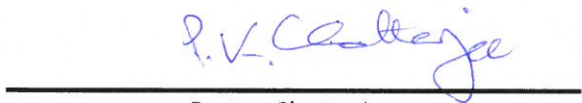

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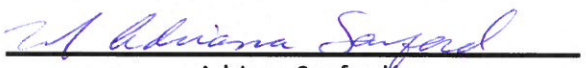

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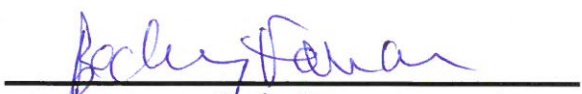

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