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# The Fight for Health Rights: The Story the Dakota Access Pipeline and the Indigenous Struggle



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## **Foreword:**

This children's chapter book, produced using archival research, aims to present the story of the Dakota Access Pipeline (DAPL) protests and their connection to the right to health. Specifically, the book will explore how the DAPL and its protests are connected to the right to health for the Sioux indigenous community and how that right is undermined by the lack of accountability for the DAPL for-profit interests. The Dakota Access Pipeline is a 1,172 mile-long pipeline – claimed as one of the “safest” and “most environmentally sensitive” ways to transport oil from domestic wells to American consumers – which runs through several states and sacred Sioux land to transport oil from Canada to the Gulf of Mexico. The pipeline is notoriously known for its disturbance of Sioux tribe burial grounds as well as its infringement on indigenous health and environmental rights. The consequences of this are spiritually and emotionally devastating for the Sioux tribe and other indigenous peoples across the United States. Furthermore, this exploitation project creates a new significant physical health hazard through the direct pollution by crude oil of the land and water that these communities depend on. DAPL was in fact a direct violation of indigenous rights as the government did not adequately engage the Standing Rock Sioux during the permitting process, a requirement under federal law. Standing Rock set a precedent for the blatant expansion of fossil fuel infrastructure through indigenous lands in settler states but also began a movement to fight back against such expansion. The struggle against the DAPL continues today.

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# Chapter 1:

## History of Indigenous People in the United States



Photo courtesy of: Indianz.com, via Twitter (@indianz)<sup>1</sup>



Edward S. Curtis/New York Public Library<sup>2</sup>

## Colonialism in the United States

In 1776, the colonies gained their independence from England and established a new nation on the land that we currently live on. But, did you know that there were people living here long before 1776? People who are **indigenous** to the United States are sometimes called Native Americans! Today, there are still over 500 Native American tribes in the United States.

Now you may be wondering, if there were people already living in America, why are they not in charge of this land? The reason is **colonialism**. Colonialism would be like if one day a new family came to visit your house. This is your house with your toys and your room, but all of a sudden, the new family starts to take all of your things. They eat all of your food without asking and never clean

**Indigenous (adj):**

being the original ethnic group to occupy an area

**Colonialism (n):** the practice of taking control over another country and the people who already live there for personal gain

up after themselves. Eventually the new family moves all of their belongings to your house, and they even kick you out of your own room! After some time passes they start calling it their house and do not let you live there anymore. Now that does not seem fair, right? Well, this is exactly what happened to the indigenous people living in the United States. Their homelands were taken over by European colonists and they had to move their whole lives elsewhere.

This all began in the 1600s, when Europeans (you may know them as Pilgrims) started coming to North America. They called it the “New World”. These Europeans claimed to be settlers who had just discovered this new land, but they were really colonists. A colonist is a person or group of people who take land that is not theirs and control the people who already live there. The European colonists took land and resources from the Indigenous Peoples who were living in what is now known as the United States of America. The colonists also brought many diseases to America, which killed thousands of indigenous people.

As more European colonists came over to America, the indigenous people lost more and more of their land and tribe members. The Europeans forced them to live on tiny, dead pieces of land called reservations as they expanded westward. The indigenous people used to be free to live and hunt wherever they wanted to but now were forced into a life of suffering by the colonists.

### **Let's Talk About Treaties!**

When the United States became a country, the indigenous people were not taken into consideration. Instead, the colonists made

**treaties** with the indigenous people.

Many of these treaties were broken by the Americans to gain more power and resources.

Breaking a treaty is like breaking a promise that you made with your parents or friends! One of these treaties was called the *Treaty of Fort Laramie of 1868*, which outlined the territory of

**Treaties (n):** a formal agreement between two countries or groups of people

the Great Sioux Reservation. The Great Sioux Reservation once took up land in five states: North Dakota, South Dakota, Nebraska, Wyoming, and Montana. This is where the Sioux Nation lived which is made up of three indigenous tribes. After only 10 years, Americans decided to change this treaty without

**consent** from the Sioux Tribe Leaders. This change in the treaty made their reservation much smaller, and gave the Sioux people no

room to live, hunt, or grow food.<sup>3</sup>

### **Setting a Negative Precedent**

This is not the only time when the United States has broken promises and treaties with the indigenous population. Since the

1860s the U.S. Government has made hundreds of treaties with indigenous tribes.

**Precedent (n):** establishing a standard that is followed in the future

Almost all of them have been broken or taken away all together by the United States. In fact, this is still something that the United States is doing today.<sup>4</sup> Due to the long history of disregarding indigenous rights, a **precedent** has been set for this negative behavior towards indigenous people. A precedent is like a pattern, the same events or actions happen over and over until it becomes normal. The United States thinks because they have gotten away with breaking treaties in the past, they can continue to do it now.

One of the most recent **injustices** against the Sioux Tribe was the construction of the

**Injustice (n):** an unfair or unjust action or occurrence

Dakota Access Pipeline (DAPL for short). This will be explained more in chapter 3, but it is important to understand this was an event that has put the Sioux people and the environment in danger. If the U.S. Government was not able to break so many promises in the past, maybe the construction of this pipeline would not have happened.

## Indigenous People in the United States Today

indigenous people are still a very important part of, not only U.S. history, but the present day United States. They are the true founders of this land and continue to set great examples for how this country should run. This chapter was meant to explain how indigenous people have been negatively impacted through events like colonialism, broken treaties, and negative precedents. The most important lesson to remember is that indigenous people in this country still have to

fight for **human rights** and that is absolutely

unfair. Everyone is deserving of human rights, but the history of the United States has made that impossible. You will learn more about these rights in the next chapter!

**Human Rights (n):** a right that belongs to every human regardless of race, ethnicity, religion, gender, or wealth

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# Chapter 2:

## One Health and the Right to Health



## What is health?

You might think that health is being physically healthy and looking after what you eat but there is more than that. Health is a much broader concept than just how our bodies feel or whether we are sick or healthy. Health also depends on other factors that we can not directly control like our environment. Our bodies and the environment are connected because the health of one can be affected by the health of the other. The World Health Organization (WHO), an organization part of the United Nations that is responsible for international public health, defines health as a state of complete physical, mental, and social well-being and not just the lack of disease or illness.<sup>3</sup> This means that to look out for your own health, you also need to look out for the health of your surroundings.

## What does health mean to indigenous people?

The relationship between people and the environment is even more important for indigenous people because they are dependent on the land and more connected to nature, the environment, and natural elements.<sup>1</sup> Indigenous people's **vulnerabilities** vary considerably between the region they live in and how much money they make. However, their greatest

threats include water and food **insecurity**, extreme weather events, changing patterns of contagious diseases, and mental/psychological stress.<sup>2</sup>

These factors come to affect their health because of the attachment and responsibility they have for preserving their traditional lands.

- **Vulnerable** (adj): able to be hurt or injured
- **Insecurity** (n): the condition or quality of having insufficient protection or not being safe.

## What is the One Health approach?

Organizations like The Centers for Disease Control and Prevention and the American Medical Association recognize the One Health approach as the **interdependence** of human, animal and environmental health. One Health has a big picture that the well-being of all will lead to an improvement of health outcomes.

**Interdependent (adj):** relying on one another.

It is important to know more about the One Health approach because our world has been changing to a place where we are more in contact with animals and their environment meaning there is an increased chance of passing diseases between people and animals.<sup>7</sup> Furthermore, the earth has been experiencing climate change and we have been active in manipulating our natural resources.<sup>7</sup> The One Health approach helps fight health issues that come up because of the involvement humans,

animals, and the environment have with each other.<sup>7</sup> They do this by having experts in these fields control and monitor health threats to the public while also learning how diseases spread within people, animals, plants, and the environment.<sup>7</sup>

## What does it mean to have the right to health?

There is more to the right to health than every human being having the right to get care by a doctor and/or a hospital. There are more factors involved like having access to safe drinking water and food, enough nutrition and living places, healthy working and environmental conditions, health-related knowledge and education, and gender equality<sup>3</sup>. The International Covenant on Economic, Social and Cultural Rights (ICESCR) considers our right to health to be the right for everyone to be able to achieve the highest level of physical and mental well-being<sup>3</sup>. ICESCR is an international human rights treaty adopted in 1966 to legally bind the states who signed it and makes sure that the

people from these states enjoy rights like education, highest attainable standard of health, fair and justifiable conditions in work.<sup>5</sup> This right is for everyone no matter your age, race, ethnicity, culture, gender, sexual orientation, income level, or anything as long as you are human.

### How does the right to health compare to the right of health for indigenous people?

Indigenous people have the same rights to health as all of us. The only difference is that their rights to health are more specific to address indigenous people's customs of health and more rights have been added to protect indigenous people's culture and relationship with the environment. Some **articles** in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), it sets a universal minimum standards for the survival, dignity and well-being of the indigenous peoples of the world<sup>6</sup>, are:

(1) Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their **vital** medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

(2) Indigenous individuals have an equal right to the enjoyment of the highest **attainable** standard of physical and mental health. States shall take the necessary steps with a view to achieving **progressively** the full realization of this right.<sup>4</sup>

- | **Articles** (n): a specific section in a document such as a contract or a constitution.
- | **Vital** (adj): very important; necessary.
- | **Attainable** (adj): able to be obtained or achieved.
- | **Progressive** (adj): in favor of social progress or change.

## **How does all this information connect to the Dakota Access Pipeline?**

The right to health was violated by the construction of the Dakota Access Pipeline. This pipeline threatened the health of the Sioux tribe and protestors by impacting their land and environment. Keep in mind that the One Health

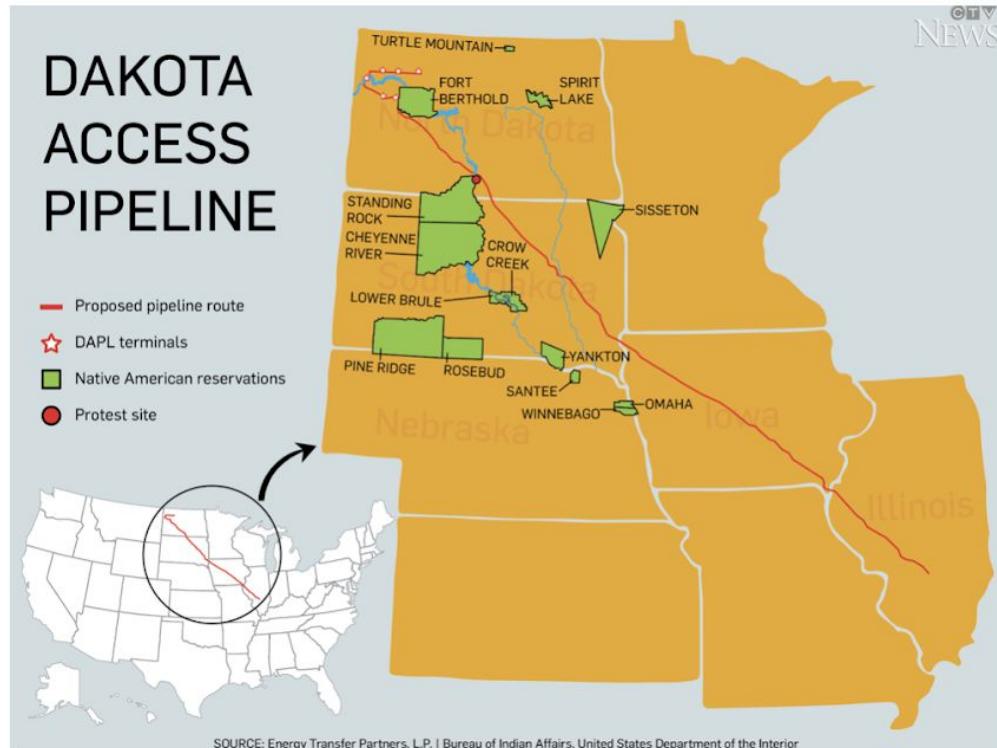
approach shows that our health relies on other external factors like animals and the environment. This fact is more important to indigenous people because their culture and customs revolve around the environment. You will learn more about the story of the Dakota Access Pipeline as well as the health risks that it caused in the next chapters

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# Chapter 3:

## The Dakota Access Pipeline and the Standing Rock Sioux Tribe



## How does this all fit into the real world? The story of the Dakota Access Pipeline (DAPL)

One example of everything we've talked about so far– the history of indigenous people, problems they have faced, and how their health is tied to the environment– is the Dakota Access Pipeline. It is a good example of the violation of indigenous rights, specifically the **Standing Rock Sioux Tribe**.

**The Dakota Access Pipeline** (DAPL) is a 1,172 mile-long underground oil pipeline that runs

**Standing Rock Sioux Tribe** (n): a tribe of indigenous people located in North and South Dakota

**Dakota Access Pipeline** (n): a trans-state underground oil pipeline

**Energy Transfer Partners, LLC** (n): the main company in charge of the construction of the pipeline

**Administration** (n): the government of a country under a particular leader

**US Army Corps of Engineers** (n): an engineer formation in charge of public works such as dams, canals, and flood protection

through several states into the Missouri River. It starts in the Bakken oil field in northwest North Dakota and travels in a straight line southwest through South

Dakota and Iowa, ending at the oil terminal in Patoka, Illinois.<sup>1</sup> It was planned by a company called Dakota Access, LLC, a smaller company run by a bigger company called **Energy Transfer Partners**, L.P. from Dallas, Texas.<sup>2</sup>

At first, the pipeline was not approved to be built by the old Obama **administration**, the people in the White House at the time. But on January 24, 2017, the pipeline was approved by the newly elected President Donald Trump, claiming it would provide more jobs for the American people.<sup>3</sup> Even so, Energy Transfers Partners, the company in charge of building the pipe, still needed legal permission from the **US Army Corps of Engineers** to drill under Lake Oahe. This lake is half a mile from the Standing Rock Sioux tribe's reservation border and they rely on it as a water source. After first being denied because of Energy Transfers Partner's lack of concern for the environment and lack of regard for the indigenous populations, on October 11, 2017 they received permission to build the pipeline, claiming that it would not cause any disruptions.<sup>4</sup>

## How did the Standing Rock Sioux Tribe feel about DAPL?

Now the Standing Rock Sioux Tribe were not happy at all! Their community and those around them would be greatly affected if the pipeline was to be built. It would damage their ancestral burial sites and run the risk of contaminating their water supply if a leak were to occur. The DAPL companies showed a lack of respect for the tribe's sacred burial grounds when they planned to run the pipeline through Sioux land. Furthermore, the DAPL plans included running the pipeline incredibly close to the tribe's main water supply. If the pipe were to leak (you will learn more about if it did or not in Chapter 4), the tribe's drinking water would be affected, which is a direct health hazard and a violation of health rights.

## Why would such a pipeline be built if it would put people in harm's way?

Well, putting together what you've learned so far in the previous chapters, we also have to look at the bigger picture and see what other

companies played a role in wanting the pipeline to be built. Other than Energy Transfer Partners, the US Army Corps of Engineers and many banks were involved. One that was already mentioned was the US Army Corps of Engineers (USACE).

USACE was the group in-charge of approving the pipeline to be built under Lake Oahe. The reason why they approved the pipeline was because they would be making money from it. By putting it at a pause at first, they lost \$1.4 billion in their first year.<sup>5</sup>

Seventeen banks gave out \$2.5 billion together in loans for the construction of the pipeline. The highest loan was from Mizuho Bank at \$589 million. Other high lenders were Citibank and TD bank, both that have a big presence in North America and have a big say on the impact of the construction.<sup>6</sup>

With the **power and influence** of the companies put together, Energy Transfer Partners, USACE, and the banks, there were a lot of people who would be making money from this pipeline, which is a big reason why they

wanted it to be built even if it did put people at harm. This is called **capitalist greed**.

### How does this directly affect the Standing Rock Sioux Tribe and Their Health?

But what about the Standing Rock Sioux Tribe? What did they think about all of this and how will it affect their health? Wouldn't their community suffer because of a pipeline that ran through their ancestral burial grounds?

Unfortunately, the answer is yes. They were all against the pipeline. They were all so scared of an oil spill that can harm them and their environment in so many ways. But, even though they were scared, this tribe was strong. They held many protests and insisted in fighting for their rights and for what they deserved! In the next chapter, we will go more in depth about health.

**Power (n):** the ability to do something in a particular way

**Influence (n):** the capacity of having an effect on someone or something

**Capitalistic greed (n):** desire for one's own success fueled by the desire to make money

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# Chapter 4:

## The Pipeline & the Sioux Tribe's Health



*180,000 gallons of crude oil spilled into the Ash Coulee Creek, just 150 miles from the Dakota Access pipeline protest camp<sup>1</sup>*



*Standing Rock, North Dakota Water Protectors - #NoDAPL Archive<sup>2</sup>*

## How is the transportation of oil through Sioux lands harmful to their physical health?

The people of the Sioux tribe have already seen multiple spills from the Dakota Access Pipeline that have polluted their water and land. In fact, the pipeline spilled oil, polluting Sioux land and water, 5 times within the first 6 months of it being used.<sup>3</sup> While it is too early to say for sure what a lot of the effects have been of the Dakota Access Pipeline spills on the Sioux tribe's health, there is still a lot known about the impacts oil spills can have on people's health.

One organization, called Earthjustice, described oil as a **contaminant**, saying it coats everything it touches and kills plants and animals. This can cause damage to the environment that lasts for decades. Among some of the problems oil causes humans are skin rashes, pregnancy issues, and cancer.<sup>4</sup>

Let us break down the effects of oil on the body even more though. Oil gives off toxic chemicals in the form of gas. When oil spills it can quickly fill the air with these chemicals which can really harm someone's health over

time. Even when water that has been contaminated by oil comes in contact with the skin it can cause a condition known as **dermatitis** and that oil can enter and harm the body through the skin. Also, people can be poisoned by oil simply if they eat food grown where oil was spilled.<sup>5</sup> This can be especially harmful for indigenous people and their traditions because of how many still on their own land hunt, gather, and grow a lot of their food.

What are some of the specific **symptoms** that can be caused by being poisoned by oil? The gasses given off by oil can cause headaches, dizziness and damage the brain over time. This can lead to conditions of depression or anxiety. They can also cause difficulty breathing and irritate your throat if breathed in. If oil poisons the body in other ways, such as by getting into someone's water or food, it can upset people's stomachs, make them vomit, and it can also hurt the body's ability to create and send **hormones**. Lastly, oil in the body can damage your **DNA** which can eventually cause very serious and deadly conditions like cancer.<sup>6</sup>

These are very dangerous, and they are being felt by more people in communities where oil spills happen. Indigenous communities also have some of the worst access to medical care, meaning that those who develop illnesses from oil spills suffer more than the average person in the U.S. Did you know that the Pine Ridge Native American reservation in South Dakota is almost ¾ the size of the state of Connecticut, but it only has one hospital and two smaller health clinics?<sup>7</sup> This is compared to 51 hospitals in Connecticut!<sup>8</sup>

- **Contaminant** (n): something that pollutes or makes something else dangerous.
- **Dermatitis** (n): a condition where the skin becomes irritated and swells.
- **Symptom** (n): a feeling or sign that marks a disease or illness.
- **Hormone** (n): the chemical signals some parts of the body use to communicate with other parts.
- **DNA** (n): the material in the cells of the body that carries all information about how a living thing looks and functions.

### How has the Dakota Access Pipeline project affected the Sioux peoples health in other ways?

According to the **United Nations**, indigenous people have the right to practice their own religious or spiritual **traditions**, to their own special spiritual relationship with their land, water and resources, to control and use that land, water and resources however they wish, and to have a say in decision-making that affects them.<sup>9</sup>

Indigenous people are even supposed to have the right to not have any dangerous materials, like oil, placed on their land. If this happens the government is supposed to take the role of protecting them and the environment.<sup>9</sup> However, when the United Nations decided this in 2007 the United States, along with Australia, Canada, and New Zealand, voted against respecting these rights of indigenous people.<sup>10</sup> Basically, the United States government openly denies that indigenous people should have these rights that most of the world agrees that they should have.

By violating these spiritual connections to the land, governments disregard the concept of One Health that is very central to a lot of indigenous **spiritual beliefs**. By destroying the environment, not only has the construction of the Dakota Access Pipeline affected the physical health of the Sioux community, it has also deeply affected their mental well-being due to their cultural connection to the land.<sup>11</sup>

Indigenous people live in closer connection to the land and nature so they are more personally affected by environmental changes overall. This spiritual connection to the environment for many indigenous people even includes the belief that all things in nature, including non-living things like rocks and soil, have a spirit and that we are all physically related to those spirits.<sup>12</sup> Spiritual belief systems based on this idea are called **animism**. With this kind of a connection to nature, destroying the nature and land where indigenous peoples and their families have lived for thousands of years can cause a lot of **trauma**. This trauma can cause new forms of mental distress like

depression and anxiety or even make the mental health symptoms caused by oil itself much worse. Certain people in indigenous communities may feel the impacts and distress of this damage to the environment, like women and older adults who interact with the land more and have built more of a relationship to it.<sup>12</sup>

- **United Nations** (n): A group made of people from the governments of countries all around the world where they meet to discuss and solve big issues.
- **Tradition** (n): a set of beliefs, actions, or behaviors passed down through generations.
- **Spiritual belief** (n): someone's thought about their relationship to some sort of higher being, spirit or god which is usually connected to their thoughts about life and death.
- **Animism** (n): the set of spiritual beliefs that natural plants, objects and other features have a supernatural soul that makes them unique.
- **Trauma** (n): a deeply distressing experience that is often connected to mental illness.

## How did the U.S. government's response further harm indigenous peoples?

Rather than listen to the concerns of the Sioux and other indigenous peoples that building this pipeline would destroy **sacred** land and create a big risk to their health, the U.S. government sent in police very heavily armed with military weapons to stop protestors so that the companies building the pipeline could continue their construction. Many of these protestors were simply holding ceremonies on sacred land that had already been plowed over to build the pipeline. Still, they were met with violence. Many protestors were even forcefully searched by the police and put into dog kennels.<sup>13</sup>

Despite what a lot of people say, these police were not at the Standing Rock reservation to protect anyone. They were there to represent the US government, companies like Energy Transfer Partners, and multiple banks like Citibank and TD Bank invested in the building of the pipeline on Sioux land.<sup>14</sup> In short, the police were there with military equipment to help those

groups earn the money that the pipeline would bring them. This is talked more about in the next chapter.

This response was nothing new to indigenous peoples. It ultimately was just a continuation of centuries of violent colonialism and powerful countries taking over and using their land by force. However, it continued to set a precedent for how indigenous communities whose **sovereignty** over their land got in the way of new fossil fuel (oil, fracked gas, etc.) construction projects would be treated by governments who don't respect their rights to the land and the water they live on.

- **Sacred** (adj.): connected to gods or spirits and gets great respect because of its religious significance.
- **Sovereignty** (n): the power of a group of community to govern and control themselves.
- For indigenous people, this is often connected to having control over their land.

## **What did these events mean for the health of indigenous peoples elsewhere?**

The Standing Rock Sioux people aren't the only indigenous people who have been met with violence by governments looking to expand fossil fuel projects recently. Indigenous people living on reservations across the U.S. have had companies build fossil fuel projects, like pipelines and power plants, on the land they were forced onto by colonization.<sup>15</sup> The people helping to build these projects, like the Dakota Access Pipeline, have rarely showed concern for how these projects might impact the indigenous people in the area or their health.

There is another indigenous group that has gotten quite a bit of attention on social media more recently for their efforts to fight the building of pipelines on their land. The Wet'suwet'en people of the Wet'suwet'en First Nation territory in western Canada spent several months around the beginning of 2020 fighting the Canadian government, their police, and a company called TC Energy with several other indigenous tribes. They were fighting the

building of a pipeline called the Coastal GasLink Pipeline through 120 miles of sacred Wet'suwet'en-owned land.<sup>16</sup>

Like in the U.S., the leader of Canada, Justin Trudeau, took the side of the energy company and refused to speak out against the use of violence by the police against protestors. Also like Standing Rock though, there was support for the indigenous people from across the country. One thing that was different and made the Wet'suwet'en protests more successful in some ways was that many protestors across Canada actually blocked and shut down railroads used by fossil fuel companies. This was to keep those companies from making money while they were trying to build the pipeline.<sup>17</sup> This has forced the Canadian government, as of the beginning of May 2020, to start coming to an agreement with the Wet'suwet'en people about the building of the pipeline.<sup>18</sup> A lot of the protests were put on pause to keep people from getting sick during the coronavirus pandemic.

Injustices like what have happened to the Standing Rock Sioux and the Wet'suwet'en people are widespread and affect indigenous people in countries all around the world. What happened at Standing Rock made the news so much that a lot of people started to ask, where is the next Standing Rock going to be?

Others who have known what has happened to other indigenous groups, like the Wet'suwet'en, have responded, "the next Standing Rock is everywhere."<sup>19</sup> Think about how indigenous people all over the world, probably even close to where you are from, have been harmed by people wanting to make money off fossil fuel projects as you read the next chapter about accountability at Standing Rock.

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# Chapter 5: Accountability



Standing Rock, Cannon Ball, North Dakota, 2016.<sup>1</sup>



Protesters face off with U.S. law enforcement near Cannon Ball, North Dakota, February 2017.

## What comes to your mind when you hear the word accountability?

When you hear the word '**accountability**', maybe you think about your classroom at school where your teacher has a set of rules for you and your class to follow. Likewise, your teacher also has a set of rules given to them by the school that they need to follow in order to teach you. And believe it or not, your school has a list of certain rules too given to them by the state that they need to follow. By the looks of it, everyone has rules! Therefore, everyone is expected to follow those rules and is held responsible for their actions that follow or go against the expectations. Your parents too probably have a set of rules for you to follow at home that they hold you accountable for!

To be held accountable means that you are responsible for upholding certain expectations, explaining yourself in situations where you might have done something wrong, and facing any appropriate consequences.

Practicing accountability by setting rules and following them is important in order to avoid negative patterns of justifying bad behavior with excuses. Taking responsibility for your actions when you are wrong and being honest about your mistakes is okay and actually a very positive thing! More importantly, it helps you learn and grow into a more responsible person. Keeping yourself accountable can also teach you to keep your friends and family accountable so that the people around you do not break your boundaries and hurt you or others.

**Accountability** (n): taking or being assigned responsibility for something that you have done or something that you are supposed to do (like follow rules, expectations, laws, policies, etc).

## Does accountability exist outside of my classroom and home?

Accountability is an important aspect of everyday life. People working in jobs are held accountable to their employer in the same way that employers are held accountable by their workers; employees must follow policies and do their jobs, and employers must be fair to their employees by making sure their working conditions are safe and that they get paid for their work. Employees and employers are also expected to speak to their wrongdoing if there is conflict or if expectations are not met. The

**Democracy** (n): a form of government in which the common people hold political power and can rule either directly or indirectly through elected representatives.

**Equitable** (adj): fair and just.

**Elections** (n): the process of voting to choose someone to be their political leader or elected representative in government.

**Civic participation** (n): civic engagement; any individual or group participation that addresses issues of public concern.

**Activism** (n): the use of direct and noticeable individual or group action to achieve a result, usually a political or social one.

government too is held accountable to the people and by the people in the same way that people are held accountable to their government.

Since we live in a **democracy**, the people are responsible for holding the government accountable when they are not being fair. People are also encouraged to 1) let the government know when they are not being fair and 2) how the government should meet the people's needs in order to be more fair—or **equitable**. This is why we have **elections**. Once elected, the representatives can fight for the people's needs and turn them into policies. However, this is not the only way to make and see change!

The people can also influence social/political change and policies by exercising their civic and political rights and engaging in **civic participation**. Civic participation includes: calling your senators, sending your policy makers letters or emails, or even protesting. Protesting/demonstrating is a form of **activism**, and it is a very effective way for you to have your

voice and opinions heard by your government and the people around you.

### **What is the government's responsibility?**

The government is split up into three tiers: local, state, and federal. Each tier has its own specific responsibilities; however, they work together to create rules that protect the people from conflict as well create laws and order. However, the primary responsibility of the government is to establish policy that is fair, representative of the people's opinions, and beneficial for the common good. Additionally, the government is responsible for setting rules and expectations for people and private corporations (companies, industries, businesses, etc.) to follow. We call these rules **laws and policies**.

When laws and policies are not followed, people face consequences like fines and even prison. Everyone, including the government and its officials, is expected to follow laws and policies, and as mentioned previously, when they do not follow the rules, they must be held

**Laws and policies** (n): rules for citizens and companies that should create order, manage public affairs, and keep people safe.

**The circle of accountability** (n): a concept developed by Alicia Ely Yamin that describes top-down and bottom-up responsibility in a society.

accountable because that is the responsible and appropriate thing to do.

In order to understand the interconnected concept of accountability and how it is present in everyday life and society, it is helpful to learn about ***the circle of accountability***, a concept pioneered by a prominent leader in global health, Alicia Ely Yamin.<sup>2</sup> The basis of *the circle of accountability* is that in order for accountability to be effective within a system or society, it must be implemented in a top-down and bottom-up manner. For example, the government is accountable to you (top-down) and you are accountable to the government (bottom-up). If someone stops playing their role in staying

accountable, the circle is broken and the outcomes of the situation are not fair.

Alicia Ely Yamin also adds that bottom-up accountability is incredibly important and acts as a corrective and preventative feature in making sure that governmental figures, corporations, laws, and policies are directed towards protecting and fulfilling certain human rights. Now that we know a little bit more about *the circle of accountability*, let's see how this dynamic played out in the Dakota Access Pipeline (DAPL) example that we have been focusing on.

### Who were the players involved in DAPL?

The Energy Transfer Partners was the private corporation responsible for the operational phase of DAPL, whereas Dakota Access, LLC. ( part of the **private sector**) and the U.S. Army Corp of Engineers (part of the **public sector**) were the companies responsible for the developmental phase of the pipeline. DAPL also received support from certain Americans that did not value indigenous rights

Some of these **big banks** included:

- BayernLB, BNP Paribas, Mizuho Bank, and Suntrust,
- Bank of Tokyo-Mitsubishi UFJ, BBVA Compass, ICBC, Intesa Sanpaolo, Natixis, Sumitomo Mitsui Banking Corporation, Citi, Crédit Agricole, DNB, ING, Société Générale, TD, and Wells Fargo .

or understand how the pipeline violated those rights. Additionally, many **big banks** funded the pipeline project, even though they were aware of the tribe's protests and the harmful effects future

#### **crude oil**

spills would have on the indigenous community<sup>3</sup>.

**Private sector** (n): companies that are part of the national economy that is not under direct government control

**Public sector** (n): organizations that are part of the economy that is controlled by the government.

**Crude oil** (n): naturally occurring unrefined petroleum; used to make products like gasoline and diesel.

**Ally** (n): a person or group that provides help and support in an ongoing effort, activity, or struggle.

Although there seemed to be a lot of support for the pipeline, there was also a lot of opposition to the pipeline from many Americans! They were **allies** to the indigenous Sioux tribe protestors of Standing Rock.

### The battle for accountability: a timeline of events

The Sioux tribe put a lot of time, strength, and effort into trying to hold the Dakota Access LLC and the U.S. Army Corps of Engineers accountable for their actions. Once the tribe received news about the DAPL plans in 2016, they hired a lawyer and took their concerns to the U.S. court. The tribe spoke out about DAPL's indigenous rights violations

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- | **Ruling** (n): an authoritative decision made by a judge.
- | **Nonconsensual** (adj): without permission.
- | **Tribunal burial land** (n) : old and ancient land where deceased tribe ancestors are buried.
- | **Emergency motion** (n): a special court motion that is presented quicker than a usual one; it provides immediate relief as the response is quickly delivered by the court.

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and their concerns about the laws that the DAPL companies would break with the construction of the pipeline. However, before the judges in the U.S. court even decided on a **ruling**, Dakota Access LLC. **non-consensually** bulldozed **tribunal burial land** that belonged to the Sioux tribe in order to start the pipeline project.<sup>4</sup>

Indigenous protestors gathered at Standing Rock to protect their sacred land and exercise their civic rights. As the tribe prayed over their land, they were met with violence from U.S. law enforcement, pepper spray, and water cannons.<sup>4</sup> Many innocent and peaceful protestors were physically hurt and humiliated. After the aggressive clash, the tribe went to the U.S. court yet again to file for an **emergency motion** in order to stop the construction until the court's ruling. Even though they broke the rules, there were no legal repercussions for Dakota Access LLC. This type of unfair push and pull between the indigenous community and the DAPL companies continued until 2017.

Two days after Donald J Trump became president, he approved the DAPL construction plans through **executive action** without calling for a full **Environmental Impact Statement** from the DAPL companies.<sup>4</sup> The chair of the Standing Rock Sioux Tribe, Dave Archambault II, came out publicly to comment on the issue: “We [the indigenous community] are not opposed to energy independence. We are opposed to reckless and politically motivated development projects, like DAPL, that ignore our treaty rights

- | **Executive action** (n): a special order issued by the President that has the same force of a law.
- | **Environmental impact statement** (n): a federally required document that outlines the impact of the proposed project on its surrounding environment.
- | **Flint** (proper n): Flint, Michigan; In 2014, the city and state officials broke federal law by failing to treat the water properly. Lead from old aging pipes ended up in the drinking water of thousands of homes. Many of the people affected were low-income or part of a minority demographic.
- | **Summary judgment** (n): it is a request for the court to rule that the other party has no case because they lack facts.
- | **Lawsuits** (n): a disagreement, dispute, or problem that is brought to court

and risk our water. Creating a second **Flint** does not make America great again”.<sup>4</sup>

For a whole year during and after DAPL construction, the Sioux tribe filed motions for **summary judgments** and renewed **lawsuits** against the DAPL companies for untruthful and lazy reviews of the pipeline’s impact on the environment and human health.<sup>4</sup> Once again, the DAPL companies did not face any consequences for their shortcomings and lack of accountability. The Energy Transfer Partners, Dakota Access LLC, the U.S. Army Corps of Engineers, and the U.S. government were not accountable to the tribe because of their profit motives with the pipeline. No matter how responsible and accountable the Sioux tribe was in taking action, the U.S. court rules would decrease conflict but ultimately benefit the DAPL companies

Even, despite the Judge Boasberg’s recent U.S. court ruling on how permit to begin the development of DAPL was illegal and broke the

National Environmental Policy Act (NEPA), the DAPL companies plan on continuing with their plans to expand DAPL and double the amount of oil pumping through the pipeline.<sup>5</sup> The question remains, how do we keep people accountable for their wrongdoings if *the circle of accountability* has been broken.

### **Was the circle of accountability maintained in DAPL?**

Since 2016, when the initial DAPL conflict began, the Sioux tribe has been successful in playing their bottom-up role in *the circle of accountability*. From the beginning, the tribe participated in civic engagement, demanded for seats at the decision DAPL making table, filed for **injunctions** when violations to the law and indigenous rights were made, and organized peaceful protests through the Standing Rocking social movement in order to stop the continuation of the DAPL construction.

However, despite the tribe's effort, the public and private sectors involved in DAPL failed to play their top-down role. The DAPL

corporations denied harming the environment, casted doubt on the tribe's concerns about the pipeline, and neglected to respect indigenous rights. Even though the Dakota Access LLC. and the U.S. Army

Corps of Engineers broke many rules and regulations along the way, they successfully built DAPL and did not face any consequences from the government.

Many critics

also point out that the government failed to remain fair and accountable towards the tribe because of their lack of rules for companies, like Dakota Access LLC. and the U.S. Army Corps of

**Injunction**(n): a judicial order that stops a person from beginning or continuing an action that threatens the legal rights of another

**To Exploit** (v): to take unfair advantage of in order to gain benefits.

**Vulnerable communities** (n): populations or groups that are at risk for poorer conditions as a result of the barriers they experience to social, economic, political, and environment resources; in the U.S., the indigenous, black, hispanic, immigrant, and low-income populations are considered vulnerable.

Engineers, that **exploit** natural resources at the expense of **vulnerable communities**.

As we learned earlier, to be held accountable means that you are responsible for upholding certain expectations, explaining yourself in situations where you might have done something wrong, and facing any appropriate consequences. When we think about the Dakota Access Pipeline Project in

these terms, it becomes clear that the project sits on a foundation of the lack of public and private sector accountability. Ultimately, the continuation of the project and the breach of *the circle of accountability* seemed purposeful and unreasonable. The tribe played their part, while others did not, and the outcomes of this unfair imbalance caused a lot of harm to the Sioux tribe.

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# Chapter 6:

## Key Takeaways



The authors of this book grew up without knowing the truth about how the United States was founded. The older we got and the more we learned about American history, indigenous people, and how poorly they have been treated, the more frustrated we became with our former knowledge and education. “How come all we were taught about was Thanksgiving?!”, we said angrily as we brainstormed this book. We came to realize that we were not told the truth in order to protect the United States’ reputation at the expense of trauma and erasure of the indigenous people.

We hope that by sharing the story of the Dakota Access Pipeline we can show the true colors of the United States and how indigenous communities continue to be mistreated by governments and private corporations. Our sole purpose in this aim is to be honest with younger generations in a way that we wanted people to be honest with us when we were young.

We also wanted to show that by using indigenous knowledge, challenging the history of colonialism, and building a society that is

accountable to indigenous rights instead of to companies and their profit interests, we can help create a healthier environment for all, but especially to more vulnerable populations such as the indigenous, whose health and wellbeing is closely intertwined to nature and the Earth. Remember that indigenous peoples’ struggle continues and indigenous people all across the world’s health continues to be put on the line for the development of fossil fuel projects. Indigenous communities deserve and need respect, support, and allyship from you and me in order to strive for a life of dignity.

We hope that throughout this book you learned a little bit about the true history behind indigenous people of the U.S. Furthermore, we hope that you gained some insight on the power and strength of the collective, working together, civic participation, and activism. Your voice is your power, and your words and actions can change the world. Let the Sioux tribe and their dedication inspire you and give you motivation to fight for your rights and what you care about.

**Thank You for Reading!**