



International Indian Treaty Council
Consejo Internacional de Tratados Indios

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RE: Submission and Response to Questionnaire for Non-State Actors re: the Thematic Report: The Human Rights to Safe Drinking Water and Sanitation of People Living in Impoverished Rural Areas to the 77th Sess. of the United Nations General Assembly

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Indigenous Peoples in the United States, Canada, and Alaska face continued access to water crises. Despite residing in these so-called “developed” countries, many Indigenous Peoples in these countries, especially those in remote and/or rural areas, do not have access to clean running water or potable water. If there is running water, there are “water boil advisories” that have lasted decades and even when followed do not make the water safe to drink.

Indigenous Peoples in these countries are also directly impacted by water pollution and contamination caused by past, current and ongoing imposed development on and near their lands and water sources, such as rivers and ground water tables, without the use of free, prior and informed consent. This submission focuses on the Lakota of the Oceti Sakowin (“Great Sioux Nation of Lakota, Dakota and Nakota) located in South Dakota, United States. This is one of the most egregious examples of lack of access to clean potable water and adequate sanitation in a “developed” country. This situation results in negative health outcomes that are comparable and even far worse than in many “developing” countries.

The Oglala Lakota are among the Oceti Sakowin Nations that concluded the 1868 and 1851 Fort Laramie Treaties with the United States of America. These Treaties continue to be legally binding to this day, as further confirmed by a US Supreme Court decision “*United States v. Sioux Nation of Indians*, 448 U.S. 371 at 388 (1980).

The 1851 Treaty recognized an Indigenous land base of over 50 million acres. Nevertheless, the Lakota are currently confined to much smaller reservations. The Oglala Lakota Pine Ridge Reservation was established under the authority of the U.S. Secretary of War and was known as “Prisoner of War Camp No. 344.” It now consists of 2,220,160 acres [see enclosed maps showing



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the originally-recognized Treaty territories and the currently recognized reservations including Pine Ridge].

The U.S. engages in ongoing failure to recognize, honor or implement its legally binding obligations under these Treaties, including the land and water rights and jurisdiction of the Lakota and the other Indigenous Nations of the Oceti Sakowin. The 1868 Ft. Laramie Treaty stipulated the requirement to obtain consent from the Indigenous Treaty Parties before any incursions could take place by non-Indigenous persons into the recognized Treaty territory boundaries in Article 16 as follows:

*“The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or **without the consent of the Indians first had and obtained**, to pass through the same.”*

Nevertheless, beginning soon after the Treaty’s legal ratification by the U.S Senate, mining interests, particularly gold mining using mercury for ore extraction, was allowed to begin in the sacred Black Hills without such consent ever being sought or obtained. Gold and uranium mining, along with other mineral extraction, has continued to this day in violation of these Treaties, causing high levels of contamination of rivers and water tables, with devastating impacts to the health of the Lakota and other original Nations of the area.

The Oglala Lakota (with a population of approximately 30,000) reside on the Pine Ridge Indian Reservation which is recorded to be the poorest county in the United States. Approximately 80% of tribal citizens are unemployed and average \$8,678 per capita income. There is an extreme shortage of housing on the Reservation where more than additional 2,500 houses are needed to address such a crisis. There are as many as 18 family members living in single trailers between 600 and 1,300 sq. feet.

The Lakota have the lowest life expectancy of any group in the United States. In a 2017 study, the average life expectancy for a Lakota person was recorded to be 46 years, 33 years less than the average American. By comparison, in Haiti, considered to be the poorest country in the hemisphere, the average life expectancy is 47 years old. This is also lower than for Sudan, India and a number of other “developing” counties.

The Reservation is extremely rural and lacks access to adequate healthcare, experiences severe food deserts and lacks access to clean potable running water. Pine Ridge currently experiences

*Working for the Rights and Recognition of Indigenous Peoples
Trabajando por el reconocimiento y los derechos de los Pueblos Indígenas*



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the highest rates of alcoholism, diabetes, and heart disease. According to a study published in 2017 by the Red Cross using Indian Health Service data “Lakota Indians die at higher rates than other Americans from alcoholism (552% higher), diabetes (800% higher) all American Indians (182% higher), infant mortality (300% higher), unintentional injuries (138% higher), homicide (83% higher), suicide (74% higher) teenage suicide rate is (150% higher), cervical cancer (500% higher), and tuberculosis (800% higher) (IHS) [2].”

Approximately 33% of Tribal members live without running water or electricity. Water use on the Reservation is highly contaminated. In public drinking water supplies on the Pine Ridge Indian Reservation, mercury is recorded to be 8 times above accepted EPA limit. The majority of the surface waters analyzed and described in a 2020 study provided by Dr. LaGarry claims, “Mní Wičhóni intake from the Missouri River and the Mní Wičhóni tap water at Potato Creek, closely approach, equal, or exceed the EPA MCL for mercury.” Mercury is known to be an extremely fatal neurotoxin which can lead to renal failure and has continued debilitating effects on the nervous system. Mercury is also known to bioaccumulate in animals and childbearing mothers, ultimately leading to irreversible intergenerational impacts such as infertility, spontaneous abortion, and congenital deficits or abnormalities.

Furthermore, water supplies across the state of South Dakota are contaminated with uranium and exceed the EPA maximum contaminant level for mercury and uranium. Additionally, 5 other toxic metals are near the EPA health advisory levels for children weighing 22 pounds. Currently, there are 13 pending Black Hills mining permits pending all in which are on Treaty territory and will drain down towards Oceti Sakowin Reservations. Under the 1868 and 1851 Fort Laramie Treaties healthcare, housing, and protection of land and water rights are protected and recognized rights. According to these recent reports, the Treaties are being continuously violated and the public health crisis continues unattended.

Sources:

<https://juniperpublishers.com/jojph/pdf/JOJPH.MS.ID.555574.pdf?fbclid=IwAR2yUQBgWpyFBFoLJITZl5H3DR8xs9wkUPrsuGB--yw32Pff08tcu1roWgg>

https://www.policylink.org/sites/default/files/PineRidge_FINAL.pdf

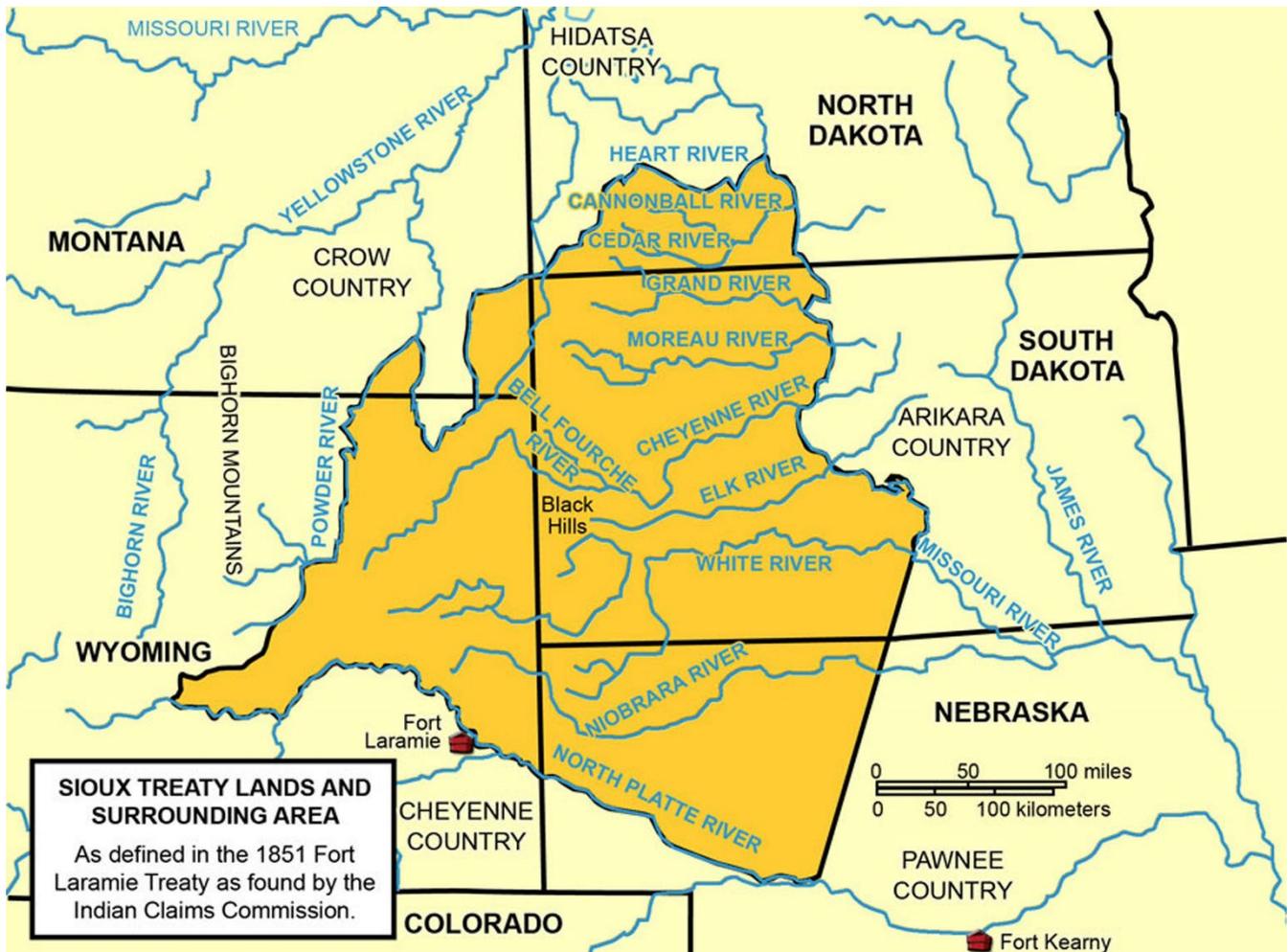
Link to Dr. Lagarry’s report: [LaGarry-Report](#)



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Maps

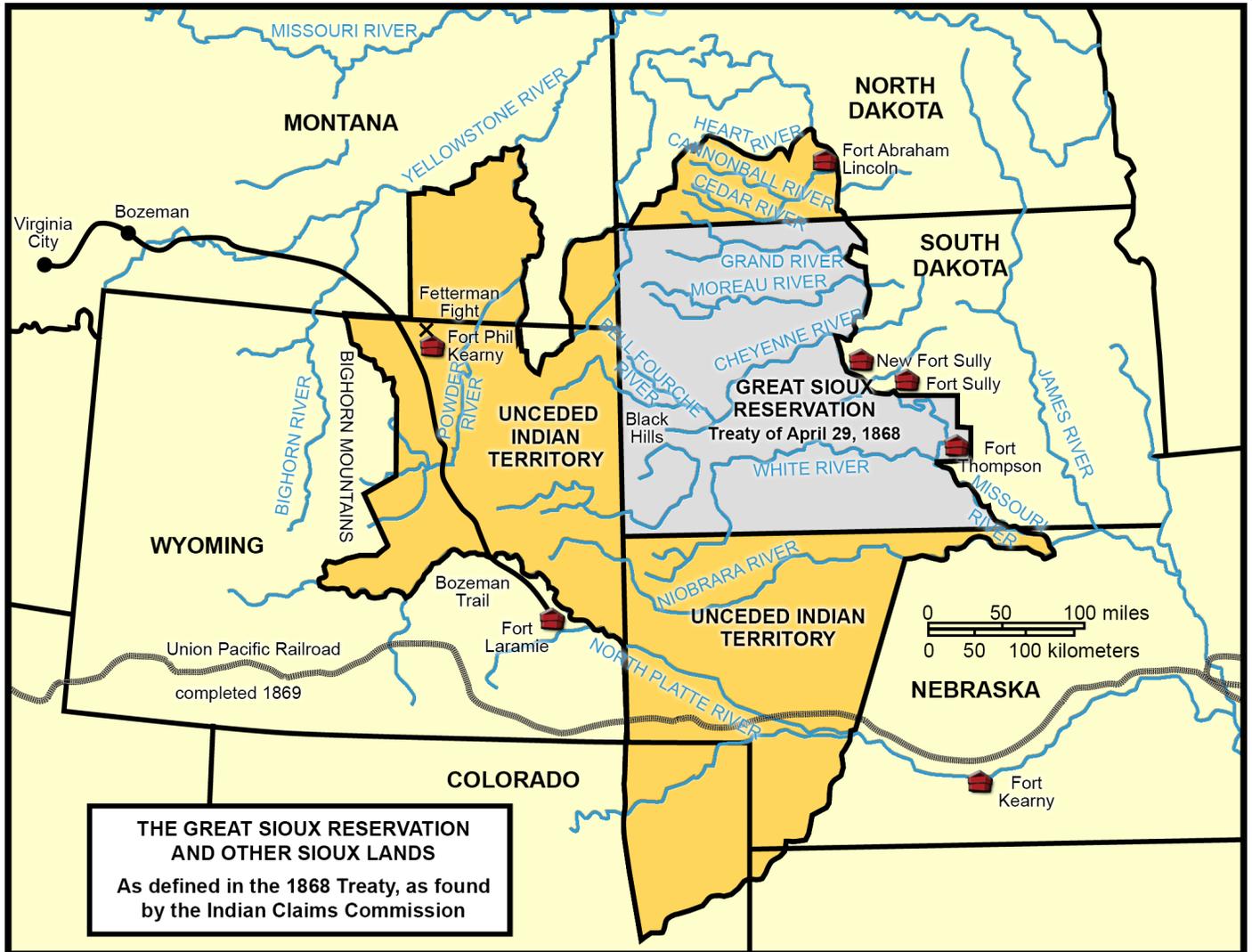


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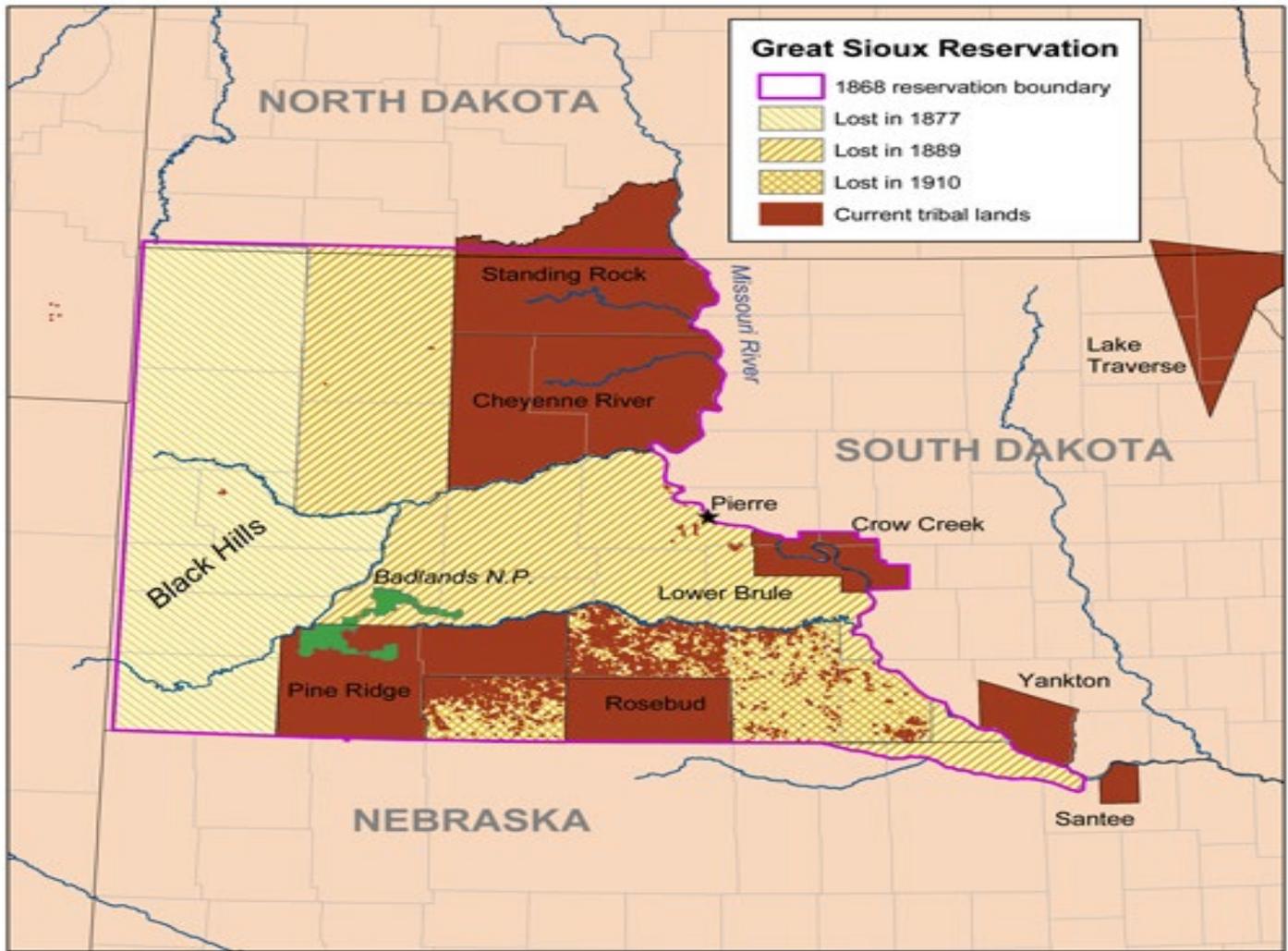


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