

Resolution of the NATIONAL NATIVE AMERICAN BAR ASSOCIATION

RESOLUTION # 2019 – 007

TITLE: Support for Swift Political, Economic, and Social Actions to Address the Harms of the Climate Crisis

WHEREAS, the National Native American Bar Association (“NNABA”) works to promote issues important to the Native American community and to improve professional opportunities for Native American lawyers, we do hereby establish and submit the following resolution; and

WHEREAS, NNABA was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors, and law students, and NNABA strives to be a leader on social, cultural, political, and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians;

WHEREAS, the past five years (2014-2018) are “the warmest years in the modern record” and in 2018 the average surface temperatures around the world were 1.5 degrees Fahrenheit (0.83 degrees Celsius) warmer than they were about 40 to 70 years ago.¹

WHEREAS, Indigenous people and nations have lived in relation to their ancestral lands, waters, and ecosystems since time immemorial and have deep traditional ecological knowledge, which is essential to the future protection of lands, waters, and all other natural resources from the climate change crisis;

WHEREAS, the UN special rapporteur Victoria Tauli-Corpuz has stated “Indigenous people’s rights need to be protected in the best way possible, not just for them but because they are also able to provide solutions to many of the world’s problems from climate change to biological diversity.”²;

WHEREAS, American Indigenous peoples have unique cultures, rights, lands, natural resources, sacred sites, and subsistence lifestyles impacted by changes in the climate, including sea level rise, ocean acidification, natural disasters, erosion, and flooding; and

WHEREAS, the land that is currently treated as “Indian country” or is otherwise within the territorial jurisdiction of Native nations is but a small remnant of the territories that historically comprised Indigenous homelands and waters;

WHEREAS, much of the land that Native nations historically inhabited is currently held by the United States and administered as federal public lands;

WHEREAS, Articles 8-12 of the United Nations Declaration on the Rights of Indigenous Peoples (“the Declaration”) recognizes and respects that indigenous peoples have a right to their culture and the right not to be removed from their territories without free, prior, and informed consent;

WHEREAS, Articles 25-30 of the Declaration recognizes and respects the self-determination of indigenous peoples, and in particular, their rights to territories and natural resources;

¹ National Aeronautics and Space Administration, *2018 Fourth Warmest Year in Continued Warming Trend, According to NASA, NOAA* (Feb. 6, 2019), <https://climate.nasa.gov/news/2841/2018-fourth-warmest-year-in-continued-warming-trend-according-to-nasa-noaa/> (last visited April 21, 2019).

² Matthew Taylor, *Protect Indigenous People to Help Fight Climate Change, says UN Rapporteur*, THE GUARDIAN (Oct. 6, 2017), <https://www.theguardian.com/world/2017/oct/06/protect-lives-indigenous-people-can-limit-climate-change-says-un> (last visited July 22, 2019).

WHEREAS, Indigenous peoples have experienced disproportionate adverse impacts on culture, human, and environmental health, traditional lifestyles, food systems, survival, and self-determination;

WHEREAS, Indigenous peoples have specifically experienced disproportionate adverse impacts associated with mining for uranium and the disposal of nuclear waste;

WHEREAS, Indigenous voices, of both recognized and unrecognized Native nations, need to be included in climate discussions in order to maintain and preserve the cultural heritage of Native communities;

WHEREAS, the National Native American Bar Association passed Resolution # 2011-3, Support for Inclusion of Tribes in Climate Change Discussions, which called on the United States Government to name tribal representatives to the United States' delegations participating in international climate change conversations, to ensure that the Executive Branch consulted with American Indians, Alaska Natives, and Native Hawaiians on climate change, and to provide adequate and equitable financial and other support;

WHEREAS, the National Native American Bar Association passed Resolution #2015-8, Supporting Pocantico Call to Action on Climate Impacts and Cultural Heritage, to call for the inclusion of American Indigenous peoples at all levels of climate policy discussions and urges all officials—local, state, federal, and international—to (1) take actions to reduce the impact of climate change on tribal communities and tribal cultural heritages, (2) take action to combat land loss and erosion impacting tribal communities; (3) include tribal communities in discussions regarding cultural heritage protection and loss of tribal lands; and (4) consult tribal communities on relocation issues;

WHEREAS, American Bar Association 2019 House of Delegate Resolution #111 calls for action by federal, state, local, territorial, and tribal governments, and the private sector to address the climate change crisis; and

WHEREAS, the United States of America and the rest of the world must quickly change political, economic, and social institutions and policies to address the climate change crisis.

BE IT RESOLVED, that the National Native American Bar Association urges federal, state, local, territorial, and tribal governments, and the private sector, to recognize their obligation to address climate change and take action to achieve the following goals:

(1) reduce U.S. greenhouse gas emissions to net zero or below as soon as possible, consistent with the latest peer-reviewed science; and

(2) work with other nation states and Native nations to reduce global greenhouse gas emissions to net zero or below and to hold the increase in the global average temperature to the lowest possible increase above pre-industrial levels;

(3) develop and encourage the building of renewable energy sources that do not inflict environmental injustice on indigenous and other communities of color. As an example, prohibit nuclear energy because of the harms associated with uranium mining and nuclear waste.

BE IT FURTHER RESOLVED, that the National Native American Bar Association urges Congress to enact legislation that would require all federal, state, local, and territorial governments to:

(1) conduct meaningful government-to-government consultation and obtain free, prior, and informed consent for all decisions that affect indigenous peoples and their traditional and ancestral territories;

(2) honor all treaties and agreements with indigenous peoples; and

(3) protect and enforce the sovereignty and land rights of indigenous peoples.

BE IT FURTHER RESOLVED, that the National Native American Bar Association urges Congress to ratify and fully bind the United States of America to the United Nations Declaration of the Rights of Indigenous People;

BE IT FURTHER RESOLVED, that the National Native American Bar Association urges Congress to enact legislation that would:

(1) utilize a broad range of legal mechanisms and removal of legal barriers to reduce greenhouse gas emissions;

(2) utilize a broad range of legal mechanisms to encourage and enable adaptation to climate change by federal, state, local, territorial, and tribal governments, and the private sector;

(3) focus its policy and legal efforts in communities that are and will be disproportionately impacted by the climate change crisis; and

(4) recognize and incorporate sustainable development principles in reducing greenhouse gas emissions and adapting to climate change, in order to simultaneously promote economic development, social well-being, national security, and environmental protection. Some of these principles include, but are not limited to: returning ancestral lands and waters to Native nations to protect and manage; provide funding and political support for the development of green jobs and renewable energy infrastructure in lower socio-economic communities, communities of color, and Indian Country; and to remove dams and restore water ways to their natural conditions;

BE IT FURTHER RESOLVED, that the National Native American Bar Association urges the United States government to:

(1) engage in active and constructive international discussions under the United Nations Framework Convention on Climate Change and its progeny, and

(2) remain in, negotiate, or ratify treaties and other agreements to reduce greenhouse gas emissions and adapt to climate change;

BE IT FURTHER RESOLVED, that the National Native American Bar Association urges lawyers to engage in pro bono activities to aid efforts to reduce greenhouse gas emissions and adapt to climate change, and to advise their clients of the risks and opportunities that climate change provides; and

BE IT FINALLY RESOLVED that NNABA supports this resolution as a policy priority until it is withdrawn or modified by subsequent resolution.

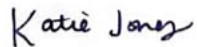
CERTIFICATION

The foregoing Resolution was adopted by the Board of Directors of the National Native American Bar Association, on October 2, 2019, via online voting pursuant to § 4.9 of the Native American Bar Association Bylaws.



Robert Saunooke, President

ATTEST:



Katie Jones, Secretary