



Gwich'in Steering Committee

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"In no case may a people be deprived of their own means of subsistence."
International Covenants on Human Rights

January 11, 2021

Inter-American Commission on Human Rights
1889 F Street N.W.
Washington, D.C. 2006
United States

Re: Update to Request for Precautionary Measures Pursuant to Article 25 of the IACHR Rules of Procedure Concerning Serious and Urgent Risks of Irreparable Harm Arising Out of Oil and Gas Leasing in the Coastal Plain of the Arctic Refuge of Alaska Matter #MC-1094-20

To Whom It May Concern:

On November 20, 2020 the Gwich'in Steering Committee requested that the Inter-American Commission on Human Rights ("the Commission") call on the United States Government ("the U.S. Government") to adopt precautionary measures to prevent irreparable harm to the Gwich'in Nation resulting from the imminent seismic exploration and oil and gas lease sales in the Coastal Plain of the Arctic Refuge ("the Refuge"), which are the Porcupine Caribou Herd's calving and nursery grounds.¹ On December 10, 2020, the Gwich'in Steering Committee provided an update on recent actions taken by the U.S. Government that further escalated the urgency and seriousness of the situation.² Now, less than a month later, the U.S. Government continues violate the rights of the Gwich'in with actions that will create irreparable harm if permitted to continue.

On January 5, 2020, the U.S. Bureau of Land Management conducted a lease sale for tracts of the Coastal Plan of the Arctic Refuge.³ 11 tracts of the 22 offered were leased, comprising 552,

¹ GWICH'IN STEERING COMM., "Gwich'in Seek Immediate Remedy to Protect their Human Rights" (Nov. 20, 2020) available at: <https://ourarcticrefuge.org/gwichin-seek-immediate-remedy-to-protect-their-human-rights/> (last visited on Jan. 7, 2021).

² GWICH'IN STEERING COMM., "Re: Request for Precautionary Measures Pursuant to Article 25 of the IACHR Rules of Procedure Concerning Serious and Urgent Risks of Irreparable Harm Arising Out of Oil and Gas Leasing in the Coastal Plain of the Arctic Refuge of Alaska Matter #MC1094-20" (Dec. 10, 2020) available at: https://www.colorado.edu/program/fpw/sites/default/files/attached-files/iachr_update_december_2020.pdf.

³ "Trump Administration Conducts First ANWR Coastal Plain Oil and Gas Lease Sale," BUREAU OF LAND MANAGEMENT, available at: <https://www.blm.gov/press-release/trump-administration-conducts-first-anwr-coastal-plain-oil-and-gas-lease-sale> (last visited on Jan. 7, 2020).

802 acres of the Arctic Refuge.⁴ won nine tracts, and Knick Arm Services, LLC (a real estate and leasing firm) and Regenerate Alaska, Inc. (an oil company subsidiary) each won one.⁵ It is likely that lease sale will be finalized prior to the transfer of power to a new administration on January 20, 2020, creating vested property rights with the leaseholders. The state of Alaska has noted that it may one day sell their rights to oil and gas development companies.⁶ While this lease sale has only yielded less than 1% of the projected fund and many, including all major U.S. banks, have refused to finance these projects,⁷ there are still now 11 tracts with leases about to be finalized by the U.S. Government.

When the U.S. government finalizes these lease sales, it will be nearly impossible for the Gwich'in to invalidate the lease sale and to prevent permanent destruction to the area that they refer to as *Iizhik Gwats'an Gwandaii Goodlit* or The Sacred Place Where Life Begins. The bidder may have rights to assert claims against the federal government if the next administration moves to cancel leases. This follows a fast-tracked lease sale announcement and plans for seismic explorations, both of which we have addressed in previous submissions to the Committee. The U.S. continues to proceed without adequate assessment of the impacts of the exploration and development on Indigenous rights and the environment and without adequately consulting with or obtaining the free, prior and informed consent of the Gwich'in and other impacted Indigenous Peoples. It remains critical that this Committee take steps to prevent further violations of the Gwich'in's human rights.

The Gwich'in Steering Committee respectfully requests that the Commission incorporate these new updates in its immediate consideration through the mechanisms available as they demonstrate the continued serious and imminent violations of the Gwich'in Nation's human rights, food security, spirituality and will destroy the Gwich'in's way of life. The U.S. Government is not honoring its own laws and we ask that you help us uphold our rights as articulated in the request submitted November 20, 2020.

Respectfully,



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Executive Director

The Gwich'in Steering Committee

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⁴ "Oil and Gas Lease Sale – January 6, 2021," UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT, available at: https://www.blm.gov/sites/blm.gov/files/docs/2021-01/BLM-Alaska_2021-Coastal-Plain-Sale-Bid-Recap_20210106.pdf.

⁵ *Id.*

⁶ Richards, Heather. "Ex-Trump official 'disappointed' by the ANWR sale he championed," ENERGYWIRE (Jan. 7, 2021) available at: <https://www.eenews.net/energywire/2021/01/07/stories/1063721993> (last visited on Jan. 7, 2021).

⁷ Cushing, Ben. "Not a Single Major US Bank Is Now Willing To Finance Arctic Drilling," SIERRA CLUB (Dec. 1, 2020) available at: <https://www.sierraclub.org/articles/2020/12/not-single-major-us-bank-now-willing-finance-arctic-drilling> (last visited Jan. 7, 2021).