



Complaint and Official Observer Opinion

Carrizo Comecrudo

Tribunal on

Human Rights

May 22nd-23rd Texas, USA





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RE: Complaint and Early Warning of the United States of America's and the State of Texas's Imminent Violations of the Carrizo Comecrudo Tribe of Texas's Rights as Indigenous Peoples

Dear Special Rapporteurs Cali Tzay, Boyd, Bennoune, and Kahn and the Committee on the Elimination of Racial Discrimination:

The [Gulf Coast Center for Law & Policy](#) submit this complaint and early warning on the behalf of the [Carrizo Comecrudo Tribe of Texas](#) who face immediate and ongoing threats to their sacred sites, their environment, and public health from multiple proposed Liquified Natural Gas (LNG) projects as well as the United States' southern Border Wall construction.

This complaint reflects the findings of the distinguished, independent observers of the Carrizo Comecrudo Human Rights Tribunal convened on May 22-23, 2020. This Complaint includes the observers' official findings, statement of facts, relevant law, analysis of human rights abuses and conclusory recommendations. Given the imminent and urgent nature of the ongoing and potential human rights abuses, we respectfully request that the UN Special Rapporteurs and the Committee on the Elimination of Racial Discrimination (CERD) bring attention to the human rights abuses the Carrizo Comecrudo face, influence the Texas and Federal Governments to reconsider their decisions, and provide important leverage for community organizing and advocacy by the tribe and allies against the LNG terminals and the Border Wall.

Sincerely,

Colette Pichon Battle, Esq., Executive Director
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Complaint and Official Observer Opinion: Carrizo Comecrudo Tribunal on Human Rights (Texas, USA)

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Official Findings and Executive Summary

The Carrizo Comecrudo Tribe face ongoing and imminent human rights violations by the Texas and United States Governments due to a lack of acknowledgment of their inherent rights, petrochemical build-out on their sacred sites without their consent, and increased border build-up and militarization of their traditional land without their consent. Tribal members have participated in public hearings and have directly contacted representatives from state and federal government agencies and have yet to be heard on their objection and assertion of rights.

These human rights violations include lack of free, prior, and informed consent, racial discrimination and denial of rights to health and safety as indigenous peoples, denial of the Carrizo Comecrudo's rights to their land, and denial of their rights to cultural sovereignty.

By approving the permits of one of the LNG terminals, the Rio Bravo LNG terminal, without the consent of the Carrizo Comecrudo, the Texas Commission on Environmental Quality (TEQ) and the Federal Energy Regulatory Commission (FERC) have denied the Carrizo Comecrudo's inherent rights as indigenous peoples. Without immediate action or intervention, the terminal will be built, resulting in the taking of land and destruction of Carrizo Comecrudo graves and cultural artifacts. The other LNG terminals, Texas LNG and Annova LNG, are at different phases in their permitting process, but the approval of the permit for the Rio Bravo LNG terminal in 2019 set a dangerous precedent. None of these companies have consulted with nor requested the consent of the Carrizo Comecrudo to build on their land, pollute their air, and disrupt their ancestors' graves.

The construction of the Border Wall by the Department of Homeland Security also presents an urgent and imminent risk of the violation of the rights of the Carrizo Comecrudo Tribe. The segment of the Border Wall passing through the Rio Grande Valley is planned to go through Carrizo Comecrudo sacred sites. President Trump through his declaration of an emergency at the border has waived several laws meant to protect cultural resources and the environment for the segment of the border wall in Carrizo Comecrudo land.¹ Without immediate intervention, it is very likely the border wall will be built, causing irreparable harm to Carrizo Comecrudo sovereignty, graves, and cultural resources.

¹ Pres. Proc. No. 984484, 84 FR 4949; Julian Aguilar, *Trump Administration Waives Federal Regulations to Expedite Border Construction in Rio Grande Valley*, The Texas Tribune (July 17, 2020, 1:00 PM), <https://www.texastribune.org/2020/07/17/trump-border-wall-texas/>

The State of Texas and United States Federal Governments have failed to intervene to protect the Carrizo Comecrudo's rights as indigenous people, and have been perpetrators of ongoing efforts to erase the Carrizo Comecrudo from history and deny them their rights. The Carrizo Comecrudo Tribe seeks intervention from the United Nations Special Rapporteurs and CERD for protection of their lands and cultural heritage.

Background

The Carrizo Comecrudo Tribe of Texas has experienced attempts by corporations and governments to disrupt and erase their culture, history, and connection to land for generations. In response to the recent and ongoing violations of the Carrizo Comecrudo Tribe's rights, The Carrizo Comecrudo held a human rights tribunal on May 22 and 23, 2020 in South Texas and online (due to COVID-19). The tribunal consisted of two days of testimony by tribal leaders, including Tribal Chair Juan Mancias, Tribal Secretary Christa Mancias, and tribal historian Christopher Basaldú, as well as testimony of members of other tribes. Testimony detailed the Carrizo Comecrudo struggles with extractive industries and the border wall development and militarization.

The Complainant

[The Gulf Coast Center for Law & Policy](#) (GCCLP) is an independent non-profit, public interest law firm and justice center with a mission to advance structural shifts toward climate justice and ecological equity in communities of color on the frontline of climate change.

Official Tribunal Observers and contributors to this report include:

- [Adrienne Hollis](#), PhD, JD, Senior Climate Justice and Health Scientist- Union of Concerned Scientists (D.C.)
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- [Gay McDougall](#), JD, LL.M.;former Vice-Chairperson of the U.N. Committee on the Elimination of Racial Discrimination (CERD Committee) (New York)
- [Juan Parras](#), Co-director- Texas Environmental Justice Advocacy Services (Texas)
- [Keya Chatterjee](#), Executive Director- US Climate Action Network (D.C.)
- [Patty Ferguson- Bohnee](#) JD, Director- Indian Legal Clinic and Clinical Professor of Law at the Sandra Day O'Connor College of Law at Arizona State University (Arizona)

Impacted Community

The Carrizo Comecrudo Tribe of Texas are an Indigenous People of the Rio Grande Valley in South Texas, United States of America. Their traditional ways of life, moving across both sides of the imposed US-Mexico border, have been disrupted and interrupted by settler colonialism and attempted erasure by the Texas and US Governments. Thus, the Carrizo Comecrudo are not formally recognized by the Texas nor US Governments, and have been denied access to their lands and culture.

The Carrizo Comecrudo Tribe submitted a petition for federal recognition in 1988. Due to prohibitive funding requirements and capacity needed to lobby and advocate for the application, the Tribe was unable to further pursue federal recognition. Tribal Chair Juan Mancias during the Carrizo Comecrudo Tribunal said of the decision to not further pursue federal recognition, "We know who we are; we do not need the federal government to know who we are."

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Agents Responsible for Human Rights Violations Against the Carrizo Comecrudo Tribe

Federal Energy Regulatory Commission

Texas Commission on Environmental Quality

United States Department of Homeland Security

Rio Grande LNG (Enbridge)

Texas LNG

Annova LNG

Factual Evidence

The Carrizo Comecrudo Tribe claims Garcia Pasture and the surrounding lands as one of their many village sites. Their ancestors lived there and were buried there. Corporations, as well as the State and National Government, have committed environmental, cultural, and spiritual racism by desecrating sacred sites of the original Native people of Texas. In response to the continued attempts by corporations and governments to erase the significance of their culture, history, and connections to the land, the Carrizo Comecrudo Tribe of Texas held a tribunal on human rights on May 22nd and 23rd, 2020 to document past and present harms against their people.

Three Liquified Natural Gas (LNG) Export Terminals have been proposed at the Port of Brownsville on the Texas Gulf Coast in an area called Garcia Pasture, which includes many ancient villages and sites sacred to the Carrizo Comecrudo Tribe of Texas. The construction of these fracked gas terminals and pipelines would disrupt and destroy these sacred grounds and would further endanger the environmental health and safety of the local community.

Together, the three terminals would result in the destruction of over 2,300 acres of critical habitat in the Rio Grande Valley. This proposal threatens the priceless natural habitat of over 150 protected species as designated by Texas Parks and Wildlife. The Rio Grande terminal's permit has been approved. The Texas LNG's terminal will be directly on top of Garcia Pasture, which is a sacred village site, burial grounds of the Carrizo Comecrudo Tribe, and a site of National Importance according to the National Parks service.² The Texas LNG terminal will destroy all 625 acres of land in Garcia Pasture, with 282 acres being permanently impacted and unrecoverable. The Annova LNG site will also be on ancestral Carrizo Comecrudo Land and severely impact natural and wild resources in the area.

² National register of Historic Places, Cameron county Texas (last visited July 30, 2020), <http://www.nationalregisterofhistoricplaces.com/tx/cameron/state.html>



Altogether, the three LNG facilities would emit 10.1 million metric tons per year of climate-polluting carbon dioxide. Other emissions expected to be released from the facilities include nitrogen oxides, carbon monoxide, ozone, other organic compounds, and particulate matter. The full scope of the health impacts on the community is unknown, due to lack of consultation with the community and study during the Environmental Impact Study (EIS), but residents will face increased risk of many health issues, including respiratory disease, nervous system damage, and cancer, and death. The Carrizo Comecrudo were not consulted as part of the EIS, and did not give their consent to the desecration of their lands. Further, any supposed economic benefits of the LNG facilities will not reach the community. The facilities will bring few jobs and all of the natural gas is destined for export, while devastating existing livelihoods like shrimping and ecotourism which form the economic base of the region.

The tribe faces an additional threat to their sacred lands: the construction of the US-Mexico Border Wall. Because the Trump Administration has declared the Border Wall a response to a state of emergency, it has waived domestic laws meant to protect Native American graves and environmental resources.³ The planned border wall construction route will either run directly through Eli Jackson Cemetery, a modern and traditional burial site for the Carrizo Comecrudo, or place it south of the wall, making the burial grounds virtually inaccessible to the Carrizo Comecrudo.⁴ In response, the Carrizo Comecrudo have begun occupying the land in the Eli Jackson cemetery in a traditional Yaluí Camp and have joined a lawsuit led by Earthjustice against the Trump administration.⁵ For more information, please see the [Tribunal Report](#) in Annex III.

“The sacred waters and animals of the region are endangered by the facilities being discussed- both the wall and fracked gas pipelines and facilities. Traditional medicines are at risk of contamination. The waiving of environmental laws is also a clear violation of the rights of nature. The endangered species in the area risk extinction, a severe and permanent consequence of violating the rights of nature. The fracked gas facilities and the wall are built/planned to be built next to communities, on sacred land, between wildlife refuges. Humans and wildlife alike are nature, and those rights are being violated.”

-Keya Chatterjee, Executive Director, US Climate Action Network

³ Pres. Proc. No. 984484, 84 FR 4949

⁴ Alejandro Dávila Fragoso, Defending the Border Lands From Trump’s Wall, Earthjustice (July 5, 2020), <https://earthjustice.org/blog/2019-july/defending-the-border-lands-from-trump-s-wall>

⁵ Originally filed as *Ramirez v. Trump*, but later consolidated with other cases as *Ctr. for Biological Diversity v. Trump*, the Carrizo Comecrudo’s Claim survived a motion to dismiss in the DC District court finding that the Carrizo Comecrudo have standing to sue the federal government and have a plausible claim under the Consolidated Appropriations Act. See *Ctr. for Biological Diversity v. Trump*, No. 1:19-CV-00408 TNM, 2020 WL 1643657, at *7 and *23 (D.D.C. Apr. 2, 2020).

Domestic Remedies are Unavailable for the Carrizo Comecrudo Tribe

The several legal avenues in the United States generally available to protect the Carrizo Comecrudo Tribe from the potential human rights abuses of the proposed LNG terminals and the proposed Border Wall are inaccessible because of action and inaction of state and federal bureaucracies. The Carrizo Comecrudo were not consulted as part of the Environmental Impact Assessment of the proposed LNG terminals, and did not give consent to the exhumation of their gravesites and destruction of their traditional lands for either the LNG terminals or the Border wall construction.

The LNG Terminals Do not Meet US Requirements for Informed Consent and Protections for Cultural resources

Although article 8(2) of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) requires that member state “shall provide effective mechanisms for prevention of, and redress for... [a]ny action which has the aim or effect of dispossessing them of their lands, territories or resources,” the Carrizo Comecrudo Tribe do not expect such redress without international pressure. Litigation in domestic US Courts provides no guarantee of the protection of the rights or return of tribal lands and is beyond the financial capabilities of the Carrizo Comecrudo Tribe. After generations of fighting for acknowledgement by the Texas and US Governments, the Carrizo Comecrudo Tribe turn to international bodies for the protection they have been denied.

Federal Recognition by the US government does offer certain privileges, however, the federally unrecognized Carrizo Comecrudo peoples and their tribal land still fall within US legal definitions of “indian peoples” or for their territory to be considered “indian land.”⁶ The Carrizo Comecrudo have rights to their ancestors’ graves and cultural artifacts. US courts have recognized a common law constitutional right of family members to the graves of their relatives, and there are several statutes protecting native graves in particular.

To build on Garcia Pasture and disrupt Carrizo Comecrudo graves and artifacts, the LNG terminal would need to gain the consent of the Carrizo Comecrudo per the Native American Graves Protection and Repatriation Act (NAGARPA) and the Archaeological Resources Protection Act of 1979 (ARPA) both of which require consent of the Tribe before exhumation

⁶ *Joint Tribal Council of Passamaquoddy Tribe v. Morton*, 528 F.2d 370, 378 (1st Cir. 1975); 1 Cohen's Handbook of Federal Indian Law § 3.02 (2019). 80 Fed. Reg. 37,862 (July 1, 2015) (codified at 25 C.F.R. part 83).

and excavation of graves and cultural sites on Indian lands.⁷ Both define Indian Lands broadly enough to include Tribes and peoples that are not federally recognized.⁸ Further, unrecognized Tribes are included in the Section 106 Process of the National Historic Preservation Act, and should be invited to participate as an “additional consulting party” if they have a “demonstrated interest” in an undertaking’s effects on historic properties.⁹ These laws alone should have resulted in the denial of permits of all the LNG terminals. Nonetheless, the TEQ and FERC refused to recognize or acknowledge the Carrizo Comecrudo and their interest in their ancestral lands, and approved the permits. Failure to address sacred site access and follow US legal protections for such sites violates the Carrizo Comecrudo Tribe’s human rights.

The LNG Terminals do not Comply with the National Environmental Policy Act

The LNG terminals also run afoul of principles articulated by the National Environmental Policy Act (NEPA) as relates to indigenous peoples and environmental justice. The Congressional Statement of Purpose, often described as the “Environmental Bill of Rights,” sets aside principles that the government should encourage “productive and enjoyable harmony between man and his environment... each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.”¹⁰ These principles elaborate that the federal government should:

fulfill the responsibilities of each generation as trustee of the environment for succeeding generations... attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences... preserve important historic, cultural and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice... achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life’s amenities.¹¹

⁷ 16 U.S.C. § 470cc(g)(2)

⁸ 1 Cohen’s Handbook of Federal Indian Law § 20.02 (2019)

⁹ Garcia Pasture is a nationally registered historic place, See National register of Historic Places, Cameron county Texas (last visited July 30, 2020), <http://www.nationalregisterofhistoricplaces.com/tx/cameron/state.html>; ACHP, *Guide to Working with Non-Federally Recognized Tribes in the Section 106 Process*, <https://www.achp.gov/sites/default/files/whitepapers/2018-06/GuidetoWorkingwithNon-FederallyRecognizedTribesintheSection106Process.pdf>

¹⁰ NEPA § 2, 42 U.S.C. § 4321.

¹¹ *Id.*

By irrevocably destroying Carrizo Comecrudo cultural resources, as well as a key wildlife corridor and habitat along the Gulf Coast, the LNG terminals are clearly in conflict with the above articulated principles, and their approval represents a failure of US law to protect the Carrizo Comecrudo's rights to determine the use of their land and to a clean and healthy environment.

In recognition of the right to equal protection in the US Constitution, NEPA also requires special consideration of indigenous communities as well as communities of color.¹² Environmental Impact Statements must balance the impact of a project on the free exercise of a Native American religion with the benefits of the project.¹³ FERC made no such balancing consideration while reviewing the Rio Grande LNG permit. NEPA requires agencies to consider if an action will have a "disproportionately high and adverse" impact on low-income and predominantly minority communities.¹⁴ However, FERC's environmental justice analysis did not involve consultation with or consideration of impacts on the Carrizo Comecrudo Tribe. Further, FERC only considered traffic impacts on the majority minority region, but not the health impacts of increasing harmful pollutants such as ozone and particulate matter in the area.¹⁵ Finally, because the Rio Grande Valley is nearly 90% Latino, FERC erroneously concluded that because everyone impacted by the LNG terminal would be a minority, there was no disproportionate impact on minority communities.¹⁶ NEPA was designed "to insure a fully-informed and well-considered decision."¹⁷ However, the lack of consultation and consent of the Carrizo Comecrudo Tribe and the flawed and insufficient analysis during the permitting process for the LNG terminals illustrates that a fully-informed and well-considered decision could not have occurred.

¹² U.S. Const. Amend. XIV, § 1

¹³ Treatise on Environmental Law § 16.08 (2020). See Lawrence F. Tribe, American Constitutional Law (2d ed. 1988). See also Comment, *Lyng v. Northwest Indian Cemetery Protective Association: Government Property Rights and the Free Exercise Clause*, 16 Hastings Const. L.Q. 483 (1989).

¹⁴ *Sierra Club v. Fed. Energy Regulatory Comm'n*, 867 F.3d 1357, 1368 (D.C. Cir. 2017) (citing Executive Order 12,898, 59 Fed. Reg. 7,629 (Feb. 11, 1994))

¹⁵ Brief for Petitioner at 44, *Vecinos Para el Bienestar de la Comunidad Costera v. Federal Energy Regulatory Commission*, 2020 WL 3100239 (C.A.D.C. filed June 10, 2020) (No. 20-1045)

¹⁶ *Id.*; US Census Bureau, *QuickFacts: Cameron County, Texas*.

<https://www.census.gov/quickfacts/fact/table/cameroncountytexas/PST045219>; U.S. Census Bureau, *Dashboard, Texas Counties*.

¹⁷ Treatise on Environmental Law § 9.04 (2020). See also *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 558 (1978)

The Trump Administration Waived Laws that Protect the Carrizo Comecrudo Tribe from the Border Wall

Due to the federal emergency declaration, the laws listed above that could protect the Carrizo Comecrudo Tribe from the Border Wall have been waived, leaving the Carrizo Comecrudo Tribe with even fewer means to stop those related human rights abuses.¹⁸ The pending litigation against the US Border wall may not prove to move quickly enough as the District Court has only upheld the Carrizo Comecrudo's standing and the plausibility of their claim, but has not granted an injunction to stop all border wall construction on Carrizo Comecrudo Land. Meanwhile, during the COVID-19 outbreak, the Department of Homeland Security has accelerated the construction of the US Border Wall.¹⁹ It is very possible that the Department of Homeland Security may begin construction of the Border Wall before a court grants injunctive or final relief, if any at all, resulting in permanent damage to the Carrizo Comecrudo sacred sites.

Border Wall, Indigenous Rights, Property rights, Respect of Cultures, Historical sites... a system of oppression continues. -- Juan Parras, Co-director Texas Environmental Justice Advocacy Services (TEJAS)

Allegations of Human Rights Abuses

There is clear evidence of human rights violations under international law including treaties to which the United States is a party. In determining our findings, we refer to the following governing documents: *The Universal Declaration of Human Rights (UDHR)*, *the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, *International Convention on the Elimination of all forms of Racial Discrimination (ICERD)*, *the International Covenant on Civil and Political Rights (ICCPR)*, and the *Framework Principles on Human Rights and the Environment (FHPRE)*.

It is clear that grave human rights violations are taking place against members of Carrizo Comecrudo Tribe of Texas and indigenous communities, as well as violations of the rights of Nature. -- Azadeh Shashahani, JD., Legal & Advocacy Director- Project South (Georgia)

¹⁸ Pres. Proc. No. 984484, 84 FR 4949; Julian Aguilar, *Trump Administration Waives Federal Regulations to Expedite Border Construction in Rio Grande Valley*, The Texas Tribune (July 17, 2020, 1:00 PM), <https://www.texastribune.org/2020/07/17/trump-border-wall-texas/>

¹⁹ Reynaldo Leños Jr. 'It's Infuriating': Critics Say Border Wall Still Going Up When They Can't Protest. NPR (May 1, 2020), <https://www.npr.org/sections/coronavirus-live-updates/2020/05/01/849245247/it-s-infuriating-critics-say-border-wall-still-going-up-when-they-can-t-protest>

The Texas and US Governments have Violated the Carrizo Comecrudo's Right to Informed Consent and Consultation

Evidence presented in the tribunal demonstrated a consistent and pervasive lack of opportunity for public participation, input and access to information to conduct due diligence for the Carrizo Comecrudo Tribe. Numerous and diverse examples of violations of the Carrizo Comecrudo Tribe's cultural attachment and historic preservation rights have and will continue to occur. Examples include: violations of the right to religious and cultural practices and beliefs; the blatant taking of Indigenous lands, including sacred lands; the destruction of Indigenous culture, language and lifestyles; and the wanton destruction of families. The Carrizo Comecrudo were not consulted in the environmental impact assessments for the LNG terminals, and did not consent to the terminals nor the Border Wall through their land. Nonetheless, the TEQ and the FERC approved the permits of one of the terminals, and the Trump Administration still plans to build the border wall through Carrizo Comecrudo land.

The right to Free, Prior, and Informed Consent is recognized in a range of international documents. As Indigenous Peoples, the Carrizo Comecrudo have the sovereign right to self-determination and, by virtue of their absolute right to ancestral lands, the sacred relics of their ancestors and natural resources which cannot be lawfully denied them without their "Free, Prior and Informed Consent." Art. 28, UNDRIP. CERD's Recommendations on Indigenous Peoples require that states "ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent."²⁰ The FPHRE, in the commentary of Framework Principle 14, emphasized the importance of the inclusion of indigenous peoples on decisions relating to government and private exploitation of their lands, and Framework Principle 15 specifically articulates the need to consult with and obtain the free, prior and informed consent of indigenous peoples "before relocating them or taking or approving any other measures that may affect their lands, territories or resources."

The Carrizo Comecrudo is not federally recognized and is unable to finance a campaign for federal recognition. Nonetheless, numerous international laws recognize that "all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." ICCPR, art. 1. Although the United States seeks to limit the application of indigenous rights to federal tribes, indigenous

²⁰ Committee on the Elimination of Racial Discrimination, Gen. Rec. 23: Rights of indigenous peoples, U.N. Doc. A/52/18, annex V at 122 (1997), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7495&Lang=en

peoples' rights are not dependent on being listed as a federal tribe by the United States government. Federal recognition is not required for all protections of native peoples.²¹ Further, the Organization of American States Declaration on the Rights of Indigenous Peoples states “[s]elf-identification as indigenous peoples will be a fundamental criteria for determining to whom this Declaration applies. The states shall respect the right to such self-identification as indigenous, individually or collectively.” OASDRIP, art. I.²²

Building a border wall or LNG terminal on traditional Carrizo Comecrudo land, particularly near cemeteries or sacred sites, should only be done after consultation with the affected communities in order to protect these sacred sites. By approving permits for the LNG terminals and the border wall without the consent or consultation of the Carrizo Comecrudo Tribe, the Texas and US governments have committed violations of the Carrizo Comecrudo’s rights.

The Tribunal today reveals violations of human rights and fundamental freedoms, the rights of Indigenous Peoples, and violations of the rights of nature. As Indigenous Peoples, the Carrizo Comecrudo have the sovereign right to self-determination and by virtue of that they have absolute right to ancestral lands, the sacred relics of their ancestors and natural resources which cannot be lawfully denied them without their “Free, Prior and Informed Consent. -- Gay MacDougall, Distinguished Scholar in Residence at the Leitner Center for International Justice at Fordham University, former UN CERD committee member

The Texas and US Governments Discriminated Against the Carrizo Comecrudo as Indigenous Peoples

As Indigenous Peoples, the Carrizo Comecrudo Tribe are and will likely continue to be negatively impacted by both the three planned fracked gas export terminals in the Port of Brownsville, (Texas LNG, Annova LNG, and Rio Grande LNG) and the Border Wall. These projects violate human rights protections against discrimination.

²¹ *Joint Tribal Council of Passamaquoddy Tribe v. Morton*, 528 F.2d 370, 378 (1st Cir. 1975); 1 Cohen's Handbook of Federal Indian Law § 3.02 (2019). 80 Fed. Reg. 37,862 (July 1, 2015) (codified at 25 C.F.R. part 83).

²²OAS, *American Declaration on the Rights of Indigenous Peoples* (June 15, 2016) <https://www.oas.org/en/sare/documents/DecAmIND.pdf>

This targeting is in direct violation of several sources of international law. Article 1 of the UDHR states that: “All human beings are born free and equal in dignity and rights,” and Article 2 elaborates that “[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Further, Article 24(2) of the UNDRIP declares that “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.” CERD’s special recommendations on indigenous peoples also requires signatory states to “ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity.”

Finally, Framework Principle 3 of FPHRE indicates that “States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment” and Framework Principle 14 indicates that “states should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.” The proposed terminals and border walls also implicate Article 7(1) of the Declaration on the Rights of Indigenous Peoples: “Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person” through the threat of Man Camps, in this case, the encampments of construction, border security, and fossil fuel personnel who are overwhelmingly male, to the women and girls of the Carrizo Comecrudo Tribe.

The targeting of an indigenous community for fossil fuel development that will threaten health and increase border militarization, surveillance, and state violence, represents a violation of the above principals. The health-related conditions that are associated with LNG infrastructure include sleep disturbances, respiratory issues, chest pains, nervous system damage, cancer and death. The militarization of the border will result in the disturbance of native graves, allow for increased surveillance of indigenous communities, and interrupt traditional practices. The construction of the border wall has already led to environmental destruction, damage to sacred sites, as well as limited access to the Rio Grande River for people and wildlife. Further, the ongoing criminalization of workers and deaths of migrants, including indigenous people, in the desert are examples of discriminatory denial of life and freedom of traditional patterns of movement.

Evidence presented at the Carrizo Comecrudo Human Rights Tribunal indicated that the proposed pipelines will significantly increase air pollution, cause habitat fragmentation, damage an important trans-border wildlife corridor, and threaten wildlife such as the endangered aplomado falcon and ocelot as well as tortoises, migratory birds, and sea turtles. The natural balance would be disrupted in the pursuit of economic gain, disproportionately impact communities of color like the Carrizo Comecrudo Tribe, and would not benefit the residents of the area. Tribunal participants noted that the primary economic driver for the community is seafood, which relies on the health of the local ecosystem. Meanwhile, the terminals are expected to bring less than 100 jobs.

There is also a real threat to the safety and lives of Carrizo Comecrudo women and girls through the establishment of Man Camps during the construction of the LNG terminals and Border Wall. Hundreds of indigenous women in the United States are either missing or murdered, often in connection to Man Camps following fossil fuel development.²³ Native people throughout the United States face numerous economic and environmental threats to their health and welfare, including COVID-19 outbreaks, spread from Man Camps. Health risks are especially high for infants and children and range from birth defects to low birth weight babies and premature deaths. Illegal, extractive activities will continue to have other negative impacts, including the threat from fracking related earthquakes in Western Texas, damage to Texas waterways, devastating flooding from poor and damaged infrastructure, and damage to the ecosystem and wildlife habitats, while these facilities utilize loopholes to avoid paying millions of dollars in federal taxes and continue to destroy the environment.

The illegal, extractive activities will continue to have negative impacts, including the very real threat from fracking related earthquakes, damage to Texas waterways and devastating flooding from poor and damaged infrastructure, damage to the ecosystem and wildlife habitats, while these facilities utilize loopholes to avoid paying millions of dollars in federal taxes and continue to destroy the environment,
-- Dr. Adrienne L. Hollis, PhD, JD Senior Climate Justice and Health Scientist,
Union of Concerned Scientists (D.C.)

²³ Sovereign Bodies Institute, *Zuya Winyan Wicayunihan Honoring Warrior Women* (Dec. 2019), https://2a840442-f49a-45b0-b1a1-7531a7cd3d30.filesusr.com/ugd/6b33f7_27835308ecc84e5aae8ffbdb7f20403c.pdf;

The Texas and US Governments have Violated the Carrizo Comecrudo's Rights to Determine the Use of their Land

As indigenous people, the Carrizo Comecrudo also have rights to determine the use of their tribal lands, specifically their rights to land ownership and use; their rights to control the natural resources on their lands and territories; their rights to life, health, clean air and water free of contamination; their rights to culture and to religion and to their self-defined spirituality that binds all of that together and creates a responsibility in them to respect and protect the land. However, the Texas and United States Governments' efforts to ignore and erase the Carrizo Comecrudo Tribe, have gravely interfered with the Carrizo Comecrudo's ability to determine the use of their tribal lands, and have rendered their traditional lands inaccessible. The LNG terminals and Border wall would irreversibly interrupt and damage Carrizo Comecrudo's traditional lands and their ability to control their tribal natural resources.

An interruption in the Carrizo Comecrudo's right to determine the use of their ancestral lands is a violation of human rights. Indigenous Peoples have a right to the lands, territories, and resources that they have traditionally owned, occupied, or used. UNDRIP, art. 26. Article 29 of UNDRIP recognizes that indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. Framework Principle 15 of the FPHRE specifically outlines states' responsibilities to indigenous peoples, requiring that states "ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by... [r]ecognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used."

CERD's recommendations on indigenous peoples "calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories." Further, CERD has highlighted and emphasized its interest in adopting decisions for "particular exploitation of natural resources and infrastructure projects posing threats of irreparable harm to indigenous and tribal peoples"²⁴

²⁴ CERD, Guidelines for the Early Warning and Urgent Action Procedures, Annual report A/62/18, Annexes, Chapter III (August, 2007)
<https://www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx#about>

Evidence presented also demonstrated that extractive industry development may affect the eco-tourism, shrimp, fishing and other means of tribal members being able to provide for themselves, in violation of Article 29 of UNDRIP. Meanwhile, neither the LNG terminals nor the Border Wall will bring jobs and economic benefits to the local community, and neither the LNG companies nor the Department of Homeland Security have a plan to engage, employ, or compensate the Carrizo Comecrudo Tribe for the use of their land.

What distinguishes the situation of Carrizo Comecrudo from all other non-tribal environmental issues is the fact that environmental justice issues affecting tribes need to be seen with respect to tribal traditions and sovereignty. Tribes, in their traditions and sovereignty, have the right to ensure environmental justice within their own communities. UNDRIP, art 27. -- Patty Ferguson- Bohnee, JD Director- Indian Legal Clinic & Clinical Professor of Law at Sandra Day O'Connor College of Law Arizona State University

The Texas and US Governments have Violated the Carrizo Comecrudo Tribe's Rights to Cultural Sovereignty

An overarching theme raised by the participants of the Carrizo Comecrudo Human Rights Tribunal was the negative impacts on cultural heritage caused by the government's actions or inactions through the permitting process and border wall development. The LNG terminals, as proposed, would entirely exhumate and destroy traditional and sacred village sites and burial sites, disturbing and destroying cultural artifacts and Carrizo Comecrudo graves. Once built, the LNG terminals would render Garcia Pasture entirely inaccessible to the tribe and unavailable for the performance of sacred rites. Similarly, the Border Wall would run through Eli Jackson Cemetery, exhumate graves and artifacts, and eventually leave any undisturbed gravesites south of the Border Wall inaccessible to the tribe.

Such destruction of cultural artifacts would represent a clear violation of the Carrizo Comecrudo's rights. Article 8(1) of the UNDRIP guarantees that "Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture."

Further, the lack of access to their traditional lands is a violation of the Carrizo Comecrudo's rights to cultural expression. Article 27 of the ICCPR recognizes that culture may be expressed through a particular way of life associated with the use of land and its resources. The protection of these rights ensures survival and development of the culture, religious, and social identity of

the peoples affected. Limiting, destroying, or impeding access to sacred sites or ability to participate in their cultural lifeways violates that right. Failure to address sacred site access and protection violates human rights.

Damage to the natural environment also represents discriminatory targeting of the Carrizo Comecrudo's expression of their culture as Indigenous Peoples. Article 25 of UDRIP provides that "Indigenous peoples have the right to their special and important spiritual relationship with their lands, waters and resources and to pass these rights to future generations." The Carrizo Comecrudo are concerned that extractive industry development will negatively impact this relationship. Such an attack on the Carrizo Comecrudo's culture violates CERD's recommendation that member states "[e]nsure that indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs and to preserve and to practise their languages" and "[r]ecognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation."

Additionally, [House Bill 3557](#), a Texas law making protests of fossil fuel infrastructure a felony, limits the Tribe's freedom of expression as a tool of self determination and as a tool to oppose the LNG terminals. This law is in violation of Articles 5, 9, 19, and 21 of the ICCPR. This law also violates Framework Principle 4 of the FHPRE calls on governments to "ensure that [human rights defenders'] work is not criminalized or stigmatized," as well as Principle 5 of FHPRE "blanket prohibitions on protests surrounding the operations of mining, forestry or other resource extraction companies are unjustifiable."

The LNG terminals and the Border wall, combined with Texas law limiting the Carrizo Comecrudo's ability to protest, represent a denial of the Carrizo Comecrudo's inherent rights to their culture, artifacts, and traditions.

Conclusion & Official Observer Recommendations:

We recommend that the Special Rapporteurs urge the US Government to rescind approval of the three LNG terminals in Garcia pasture, cease construction of the US-Mexico Border Wall passing through Carrizo Comecrudo lands, cease the waiving of environmental and cultural protections laws as part of the US Border Wall construction, and that the Texas Government return Garcia Pasture to the Carrizo Comecrudo Tribe. In permitting and facilitating fossil fuel development and border militarization through Carrizo Comecrudo territory, the Texas and US Governments have violated several articulated human rights and agreements on human rights, most notably the Universal Declaration of Human Rights, the Declaration on the Rights of

Indigenous Peoples, the Framework Principles on Human Rights and the Environment and the International Covenant on Civil and Political Rights. Per Article 28(1) of UNDRIP: “Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.” We submit this evidence of the human rights violations of the Carrizo Comecrudo tribe and we provide recommendations for immediate U.S. government action to redress these harms and ensure the protection of human rights.

Official Observer Signatures:



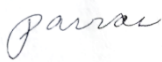
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Annex I: Relevant Law

Universal Declaration of Human Rights (UDHR):²⁵

- Article 1: All human beings are born free and equal in dignity and rights.
- Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):²⁶

- Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.
- Article 7(1) : Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- Article 8(1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- Article 24(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.”
- Article 25: “Indigenous peoples have the right to their special and important spiritual relationship with their lands, waters and resources and to pass these rights to future generations
- Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.

²⁵ G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948), <https://www.un.org/en/universal-declaration-human-rights/index.html>

²⁶ G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples (September 13, 2007), <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

International Convention on the Elimination of all forms of Racial Discrimination (ICERD):²⁷

General recommendation XXIII on the Rights of Indigenous peoples:²⁸

- The Committee calls in particular upon States parties to:
 - (a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;
 - (b) Ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity;
 - (c) Provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics;
 - (d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;
 - (e) Ensure that indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs and to preserve and to practise their languages.
- The Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories.

Framework principles on human rights and the environment (FPHRE):²⁹

- Framework principle 3: States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.

Commentary: In the environmental context, direct discrimination may include, for example, failing to ensure that members of disfavoured groups have the same access as others to information about environmental matters, to participation in environmental decision-making, or to remedies for environmental harm (framework principles 7, 9 and

²⁷ G.A. Res. 2106 (XX), International Convention on the Elimination of All Forms of Racial Discrimination (Dec. 21, 1965), <https://ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>;

²⁸ Committee on the Elimination of Racial Discrimination, Gen. Rec. 23: Rights of indigenous peoples, U.N. Doc. A/52/18, annex V at 122 (1997), https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7495&Lang=en

²⁹ Human Rights Council, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, U.N. Doc. A/HRC/37/59 (Jan. 23, 2018). <https://undocs.org/A/HRC/37/59>

10)... Indirect discrimination can also include measures such as authorizing toxic and hazardous facilities in large numbers in communities that are predominantly composed of racial or other minorities, thereby disproportionately interfering with their rights, including their rights to life, health, food and water. Like directly discriminatory measures, such indirect differential treatment is prohibited unless it meets strict requirements of legitimacy, necessity and proportionality.

- Framework principle 4: States should provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.
Commentary: The requirements for such an environment include that States:... ensure that [human rights defenders'] work is not criminalized or stigmatized;
- Framework Principle 5: States should respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters
Commentary: Blanket prohibitions on protests surrounding the operations of mining, forestry or other resource extraction companies are unjustifiable.
- Framework Principle 9: States should provide for and facilitate public participation in decisionmaking related to the environment, and take the views of the public into account in the decision-making process.
Commentary: States must provide members of the public with an adequate opportunity to express their views, and take additional steps to facilitate the participation of women and of members of marginalized communities.
- Framework Principal 14: States should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities.
Commentary: Indigenous peoples and other traditional communities that rely on their ancestral territories for their material and cultural existence face increasing pressure from Governments and business enterprises seeking to exploit their resources. They are usually marginalized from decision-making processes and their rights are often ignored or violated.
- Framework principle 15: States should ensure that they comply with their obligations to indigenous peoples and members of traditional communities, including by:
 - (a) Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used;
 - (b) Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources;

- (c) Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources;
- (d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.

International Covenant on Civil and Political Rights (ICCPR):³⁰

- Article 5:
 - In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;
- Article 9:
 - 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
- Article 19:
 - 1. Everyone shall have the right to hold opinions without interference.
 - 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- Article 27: In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

³⁰ G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights (Dec. 16, 1966), <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

United States Domestic Law

US Constitution

- Family members have constitutional rights of family members to the bodies of their deceased³¹
- No State shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.³²

Legal Protections of Native American Graves and Cultural Resources

- Federal recognition is not required for consideration as a tribe, but rather self-identification and internal social and political operation of these groups.³³
- Under the Archaeological Resources Protection Act of 1979 (ARPA), “a permit for excavation on ‘Indian lands’ requires the consent of the tribe with jurisdiction and the Indian landowner”³⁴
- The Native American Graves Protection and Repatriation Act requires the consent of the tribe for the excavation or removal of Native American human remains or cultural items from tribal land for federal permitting of projects.³⁵
- Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and to consult with Indian Tribes for projects that implicate Indian historic sites, graves, and artifacts.³⁶

National Environmental Protection Act (NEPA)

- The Congressional Declaration of Purpose states that the government should encourage “productive and enjoyable harmony between man and his environment... each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.”
 - (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
 - (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

³¹ 1 Cohen's Handbook of Federal Indian Law § 20.01 (2019); *Brotherton v. Cleveland*, 923 F.2d 477, 481 (6th Cir. 1991)

³² U.S. Const. Amend. XIV, §1.

³³ *Joint Tribal Council of Passamaquoddy Tribe v. Morton*, 528 F.2d 370, 378 (1st Cir. 1975); 1 Cohen's Handbook of Federal Indian Law § 3.02 (2019). 80 Fed. Reg. 37,862 (July 1, 2015) (codified at 25 C.F.R. part 83).

³⁴ 16 U.S.C. § 470cc(g)(2)

³⁵ 1 Cohen's Handbook of Federal Indian Law § 20.02 (2019)

³⁶ US Dept of the Interior, *National Historic Preservation Act: Section 106 A Quick Guide for Preserving Native American Cultural Resources* (Access Date July 30, 2020) <https://www.nps.gov/history/tribes/Documents/106.pdf>

- (4) preserve important historic, cultural and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.³⁷
- NEPA was designed "to insure a fully-informed and well-considered decision," 4 Treatise on Environmental Law § 9.04 (2020). *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 558 (1978)
- Under NEPA Environmental Impact Statements must balance the impact of a project on the free exercise of a Native American religion with the benefits of the project.³⁸
- NEPA requires agencies to "consider every significant aspect of the environmental impact of a proposed action," *Balt. Gas & Elec. Co. v. NRDC*
- NEPA requires agencies to consider if an action will have a "disproportionately high and adverse" impact on low-income and predominantly minority communities³⁹

³⁷ NEPA § 2, 42 U.S.C. § 4321.

³⁸ Treatise on Environmental Law § 16.08 (2020). See Lawrence F. Tribe, *American Constitutional Law* (2d ed. 1988). See also Comment, *Lyng v. Northwest Indian Cemetery Protective Association: Government Property Rights and the Free Exercise Clause*, 16 Hastings Const. L.Q. 483 (1989).

³⁹ *Sierra Club v. Fed. Energy Regulatory Comm'n*, 867 F.3d 1357, 1368 (D.C. Cir. 2017) (citing Executive Order 12,898, 59 Fed. Reg. 7,629 (Feb. 11, 1994))

Annex II: Human Rights Tribunal Statement by Historian and Tribal Member Christopher Basaldú PhD

The American justice system is deeply biased against Native and Indigenous peoples, and the Eurocentric epistemologies that undergird the laws and legal framework of the USA that consistently erase and ignore Native ways of knowing, knowledge systems, and ways of life. Due to this, Native and Indigenous Peoples rarely find fair and unbiased hearing in any court of law or forum of arbitration.

This people's tribunal offers a forum for the Carrizo Comecrudo Tribe of Texas to speak unhindered by the anti-native, pro-corporation, pro-destruction, pro-genocidal frameworks, of colonially imposed law on native lands. This tribunal reflects the indigenous right of autochthonous people to speak their truths and to be heard, to demand justice and restitution, to testify against long histories of colonization, oppression, and ongoing environmental destruction.

Every group of Indigenous people has an inherent right at the communal level - to fight for their own identity until the end. As our identity is our Homelands, we have a duty to resist the pollution and destruction of our Homelands. In doing so, we preserve and maintain our own health as a People and as individuals. As the Eurocentric colonial State does not even understand the concept of collective identity, nor would any legal structure the imposed colonial regime could construct. Indigenous Peoples must create and maintain their own forums to proclaim our truths and to pursue our interpretations of and needs for justice. This is our sovereign right. Beyond that Indigenous people have relationships with their respective homelands that are deeper than the Eurocentric concept and definition of "sovereignty." The so-called sovereignty of the colonizing nation-state is shallow and narrow compared to the deeper and wider totality of relationships lived and maintained by indigenous and original peoples in their own respective homelands.

Original peoples live in relationships as communities and individuals within their own homelands, with their own languages, their own sacred histories, their own way of life, and ceremonial systems and cycles, and with their own knowledge of the geography, resources, and stories of their respective sacred homelands. These relationships must be lived with respect and the people have a deep responsibility to live these relationships responsibly and with integrity. From the beginning of the european invasion and occupation of our sacred homelands, the Europeans and their descendants with their own cultural systems have sought to destroy the relationships shared between the Original peoples, their ancestors, and their Homelands. Original peoples have always resisted this disrespect and destruction at the hands of the european invaders. This destruction and oppression continues today in the form of corporations and federal, state, and local governments and the mutually advantageous collaboration of interests between those governments, the irresponsible regulatory bodies that represent them and the rapacious corporations who are focused only upon enriching their top shareholders.

This destructive collaboration continues to poison and pollute the environment, destroy historic and ancestral sites, and to attempt to rob us of our futures and our right to live in a clean and healthy world.

All colonial European nations that falsely laid claim to Native lands in the Western Hemisphere committed grievous violence, including murder, rape, enslavement, and deliberate disease infection, in order to steal land and resources from Native and Original Peoples for the sake of creating wealth for European rulers and their devotees. Spain through its Encomienda system and all subsequent iterations of “private property” as defined by European and Eurocentric legal systems continued to dispossess Original People and convert and assimilate them into social and cultural systems that would ensure their disconnection from each other, their homelands, and their life ways. These foreign and invading institutions include all forms of Christian religion, churches, missions, schools and institutions, the Kingdom of Spain, the Kingdom of France, the independent Estados Unidos Mexicanos, which continued to function as a Eurocentric nation state, the Republic of Texas, and both the United and the Confederate States of America, and the current State of Texas, and all of the businesses and corporations created to facilitate the exploitative extraction of resources and labor that these states foster and protect.

As these European states competed with each other for the chance to steal and to kill, they created citizenries and their subsequent identities in order to create loyalty to the invading and non-Indigenous ideologies that would destroy the Original and Indigenous Peoples and their respective relationships with their own homelands.

As the United States of America fought to steal land from the Estados Unidos Mexicanos which had stolen the land from Spain which stole the land from Our Ancestors, these states declared that Native people could not have the “right” to own land or “property” according to the Eurocentric legal systems. Thus, many Native people at the individual level declared themselves to be “Mexican” citizens in order to claim private property. Thereafter maintaining the strategic illusion of “Mexican” ethnic identity in order to retain their land and property rights under the white supremacist regimes of the Republic of Texas and then the United States of America. Many Esto’k Gna faced with death through murder and poverty through dispossession, thus claimed the identity of “Mexican” in order to maintain some means of survival, even within their own homelands, now under siege and exploitation from settler colonists and their unjust and racist systems of oppression through law, education, religion, and state and vigilante violence. The forced conversion of our homelands into “ranch lands” and subsequently into agricultural lands for industrial purposes has further eroded the land base and further alienated the Original people from their own lands and from accessing natural resources for food, shelter, medicine, recreation, and life ways.

Today, oil and gas corporations wish to further destroy our lands by raping the land and poisoning the water through hydraulic fracturing, and by creating destructive infrastructure projects like pipelines and Gas Export Terminals, that would harm community health, many plant and animal species, and the environment. These companies and corporations have not consulted with the Carrizo Comecrudo Tribe of Texas, nor have they stopped their destruction

despite our requests to be heard and demands we make to protect our own land and people. They and the governments that support and protect them are deliberately ignoring both their own environmental laws and our own voices that demand the cessation of this destruction. This tribunal is another way we are exercising our Right to be Heard and our Right to deny permission to these new corporations who do not have the millennia of history and relationships with these homelands that the autochthonous and original people have, who do not have the interests of our people nor our communities in mind, who have only greed and destruction as their motivation. Our motivation is to give life, not to give death or harm.

This Tribunal continues our struggle and resistance to all this continuing colonization and destruction by colonizing governments and their rapacious companies and corporations. We exercise our inherent right to do so.

The three massive LNG export terminals proposed for the Port of Brownsville - Texas LNG, Annova LNG, and Rio Grande LNG - and all related fossil fuel infrastructure, are just the latest manifestation of this colonial violence.

Annex III: Carrizo Comecrudo Tribunal Report



August 2020

REPORT ON THE CARRIZO COMECRUDO TRIBUNAL ON HUMAN RIGHTS

Climate Justice begins with Indigenous Sovereignty





INTRODUCTION

In response to the continued attempts by corporations and governments to erase the significance of their culture, history, and land, the Carrizo Comecrudo Tribe of Texas held a tribunal on human rights on May 22nd and 23rd, 2020 to document past and present harms against their people, the Esto'k Gna. The Esto'k Gna are an autochthonous people of Southeastern Texas and Northeastern Mexico. Their traditional ways of life moving across both sides of the imposed US-Mexico border have been disrupted and interrupted by settler colonialism and attempted erasure by the Texas and US Governments. Further, the Esto'k Gna are not formally recognized by the Texas nor US Governments, and have been denied access to their lands and culture.

Three massive Liquified Natural Gas (LNG) export terminals have been proposed at the Port of Brownsville on the Texas Gulf Coast, in and around an area of land called Garcia Pasture, which includes many ancient villages sites and is sacred to the Tribe. The construction of these fracked gas terminals and pipelines would disrupt and destroy these sacred grounds and would further endanger the environmental health and safety of the local community.

The tribe faces an additional threat to their sacred lands: Trump's US-Mexico border wall. The planned border route will either run directly through Eli Jackson cemetery, a modern and traditional burial site for the Esto'k Gna and other members of the local community, or place the cemetery south of the wall, making it virtually inaccessible to the Esto'k Gna. In response, the Esto'k Gna have begun occupying the land in the Eli Jackson cemetery in a traditional Yaluí camp and have joined a lawsuit led by Earthjustice against the Trump administration.

The testimony of Esto'k Gna people, allies from fellow Native nations, and other non-Native allies during the tribunal showed significant patterns of human rights violations. The LNG terminals, as proposed, would violate Indigenous rights, rights to health through environmental racism, and even the most basic rights enumerated in the Universal Declaration of Human Rights.

RECOGNIZING THE INHERENT RIGHTS OF THE CARRIZO COMECRUDO TRIBE OF TEXAS

The Carrizo Comecrudo Tribunal on Human Rights began in the Esto'k Gna language, with an acknowledgement of the inherent rights of the Esto'k Gna people and their non-human relatives. Inherent rights are "what we know in our hearts to be true," as stated by Amy R. Juan, a daughter of the Tohono O'odham people. Tribal leaders of the Esto'k Gna articulated positive rights of self determination and to live in safety on their ancestral land of Somi S'ek – Southeast Texas and adjacent land in Northern Mexico. They have the right to live free of pollution and practice their livelihoods free of the extractive economy destroying the sacred balance between living and nonliving things. They recognize that flowing from these rights to survival are the rights of nature, as well as their own rights to advocate for their people's survival and the survival of other Native and autochthonous nations as well as for future generations.

In observing and respecting these rights, a shift in governance is required, as articulated by Ponca Tribal Elder Casey Camp-Horinek. Governments must intervene to prevent those activities of private actors and corporations which violate the rights of the Esto'k Gna. All people living in the United States benefit when the sovereign rights of Native people are respected and upheld by governments. For example, the Ponca Nation of Oklahoma, in banning fracking on their land, were also protecting their non-Native neighbors. Similarly, the Esto'k Gna seek to fulfill their spiritual duty of asserting their rights in order to maintain their survival, maintain the natural balance of their land, and to protect their neighbors from extractive capitalist development.

Christa Mancias, tribal secretary, youth leader, and future tribal chair of the Esto'k Gna is grateful to have grown up with the knowledge, life teachings, and language of the Esto'k Gna and to be able to bring that knowledge to her relatives. She was raised in the last location of the migration, constantly fighting to call herself Indian when everyone else called her Mexican. She grew up in schools which never mentioned the Esto'k Gna except for their slaughter. However, she continues to exist with the lifeway of teachings and history. She plans to hold Texas accountable for knowing that the Esto'k Gna had always existed. The Esto'k Gna are documented as being on this land before the first contact, forced displacement, or Spanish people. They are of the land and part of its creation. They will continue to write their own history, hold extractive industries accountable for the destruction of mother earth. Christa asserts that we must redefine critical infrastructure as the air, water, and earth. We must get rid of TX bill 3557, the anti-protest bill, and let people know that the Carrizo Comecrudo Tribe exists and continues to exist.



History of the Esto'k Gna People. The Esto'k Gna are an autochthonous people, who live in the land of their ancestors. Esto'k Gna tribal member and historian, Dr. Christopher Basaldú grounded the tribunal in the oral history and cultural practices of his people. In the Esto'k Gna creation story, "At the time of the beginning, women were made of the mud of the Somi S'ek [the land where the Esto'k Gna were created to live] at the intersection of the Amahatau Mete'l (Rio Grande) and the Gulf, establishing the Esto'k Gna's matrilineal structure." Identity flowed from mothers, before men were later created. The people were taught the original principles of life by their non-human relatives, and from these connections with animals, the Esto'k Gna took the names of their clans. The Crane Clan learned the lessons of the crane and shared them with the people. The Turtle Clan learned the lessons of the turtle and shared them with the people. This is how the people learned how to live in respectful relationships with each other and their non-human relatives. These lessons are expressed in the songs of the Esto'k Gna, and through these songs, the Esto'k Gna communicate their commitment to living in respectful relationships. From these teachings flow duties to nonhuman relatives, not just animals, but also the river, earth, and sky. The Esto'k Gna have a special duty of keeping and maintaining the traditional medicine, known as Peyote. These duties require the protection of the land from poison and destruction.

Throughout their history, the Esto'k Gna lived in a fluid structure of bands that would come together and move from place to place based on signals from the stars and the land. The Esto'k Gna were known for their high quality arrows and participated in trade with other nations. The people lived in relationship with each other and as one of many species of Somi S'ek. Seasonal village sites and holy sites existed all along the Amahatau Mete'l. Garcia Pasture is one of these village sites. It sits at the mouth of the river, where the fish live and in fertile soil where the people were first made. The culture and practices of the Esto'k Gna placed them within what Dr. Basaldú refers to as the "narrative of life." The arrival of Spanish settlers and their extractive colonial economy began the "narrative of death". The narrative of death, first in the forms of colonization and genocide, continues today in the form of natural resource extraction, petrochemical build-up, the imposition of borders and their militarization. These forms of violence all constitute the narrative of death.

Characteristics of Garcia Pasture. Garcia Pasture is an area of land at the center of the Liquified Natural Gas (LNG) terminals proposed for the Port of Brownsville. Garcia Pasture is located within the town of Port Isabel, TX and is legally owned by the Brownsville Port Authority, despite its cultural importance to the Esto'k Gna as an ancestral village, sacred site, and burial ground. The land has been fenced off and made inaccessible to the Esto'k Gna. The 625 acres of land that make up Garcia pasture are a critical part of the Rio Grande Valley, a large ecosystem that is a relatively intact trans-border habitat to several endangered species and critical to local livelihoods. The area is majority Latinx, and has some of the highest poverty rates in Texas.

Further, although Garcia Pasture is owned by the Brownsville Port Authority, an entity of the Texas State Government, it is not actually in Brownsville, but in the communities of Port Isabel and South Padre. Both of these communities rely on the health of the ecosystems for their economies and are vehemently opposed to the proposed LNG terminals.

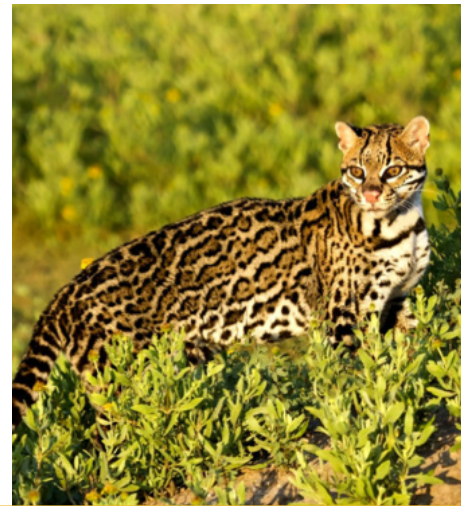
Joseette Hinojosa, a community organizer from the Rio Grande Valley, has been fighting Texas LNG for the past five years. She continues to have hope, as construction was supposed to start in 2017 and yet very little has happened thus far. South Texas was one of the last places to be colonized in the continental US. Now, the fossil fuel industry has essentially “discovered” the area. The majority of the people leasing the land are not people of color, but rather are people who have their roots in the colonization of the area. The ecosystem of the Rio Grande Valley is precious, and Ms. Hinojosa wants her kids and future generations to experience this ecosystem, to fish and walk on the land as she has. Clean air and clean water are critical for the survival of the people of the Rio Grande Valley, yet the fossil fuel industries will take up a large chunk of land and bring pollution because the fossil fuel industries forget nature, and forget the people. Ms. Hinojosa feels the fatigue of fighting the LNG terminal for five years and yet not being heard in the fight. She and co-organizers have tried various ways of getting attention from local leaders, to little effect. She does not want to bring the environmental racism and destruction of other parts of Texas to her home. This is her home, yet billionaires are stealing it for capitalism and greed. This is happening all across Turtle Island, and must receive attention.

Ecological Significance of Garcia Pasture. The brackish waters of the Rio Grande Valley are the stewpot for life in the Gulf of Mexico. The Rio Grande Valley has remained largely untouched by industrialization. According to Michael Robinson with the Center for Biological Diversity, it was one of the final places in the United States to have jaguars, the last of which was killed in 1948. According to Bekah Hinojosa, the LNG terminals would likely be the first foothold of the fossil fuel industry in this area and would invite in further fossil fuel development.

The Rio Grande Valley acts as an international wildlife corridor, critical for species migration across human-made borders. The Aplomodo Falcon and the Ocelot are endangered species that live in Garcia Pasture and the Rio Grande Valley. Garcia Pasture and the surrounding area are important nesting sites for the Aplomodo Falcon. Only 53 Ocelots remain in Texas, and fossil fuel development of the Garcia Pasture would delineate one of the few available habitats for them.



GOOGLE MAP OF GARCIA PASTURE



LEFT TO RIGHT: YUCCA TREE, APLOMADO FALCON, AND OCELOT IN THE RIO GRANDE VALLEY

Other important animals include cougars (mountain lions), which need to remain connected to the Mexican population to maintain genetic diversity. Garcia pasture is also home to Texas tortises, sea turtles, and many rare native plants as well as more common plants, like the Yucca tree, which are important for Indigenous livelihoods and practices.

Cultural and Archaeological Significance of Garcia Pasture. In addition to its environmental significance and location at the physical center of the Esto'k Gna creation story and history, Garcia Pasture is also a physical archive of the history of the Esto'k Gna.

Archaeologist and environmental consultant Tim Dalbey studies the area of Cameron County, part of the Esto'k Gna territory and home to Garcia Pasture and presented on the archaeology of the area. Between 1915 and 1930, Andrew E. Anderson conducted a surface collection of Garcia Pasture. The collection included pottery and the surface study revealed a grave that was left on site. Because of Garcia Pasture's importance to the Esto'k Gna and the partial excavation, Garcia Pasture was declared a site of National Importance by the National Parks service. The form declaring Garcia Pasture as a site of National Importance describes the site as "in excellent condition, unexposed, unaltered, prehistoric site in pasture on clay dune...one of the largest most productive Indian sites in Cameron County, extensive use of 'oysters' noted, artifacts found at the site include arrow points, pottery and shell ornaments, one human burial reported by a local collector."

Studies of similar Esto'k Gna sites have yielded significant archaeological finds and large grave sites. In precolonial times, the Esto'k Gna located their village and burial sites on dunes, ridgelines, or "lomo ochoas" along the Rio Grande, much like Garcia Pasture. The 41NU2 site near Corpus Christi, discovered during road expansion, was also on a lomo ocha similar to Garcia Pasture. In the 41NU2 site, archeologists found the graves of over 200 human individuals. Buried with them were ceramics which were from Indigenous peoples from the interior Mexico, indicating the Esto'k Gna's participation in far reaching and complex trade networks. Other sites with similar ecological and geographic characteristics to Garcia pasture include: the Kirchmeyer site 41NU11 (Oso Bay, Nueces county) that had >12,000 ceramics related to a ceramic production site and Zachory Taylor's historic army encampment; the Buckeye Knoll (41VT98, Victoria county to the east) site excavated by Ricklis (2012) where 116 burials from 75 locations were recorded dating to 7,220 to 6,000 years ago. Other artifacts found in lomo ochoas the Rio Grande floodplain included shell and shell point arrows, and semiprecious stones from a rock complex further into the desert, again providing information on the migration and trade practices of the Esto'k Gna Peoples.

"YOU COULD NOT PICK A WORSE PLACE FOR AN LNG TERMINAL, AS GARCIA PASTURE IS IN THE MIDDLE OF 11 PROTECTED AREAS AND IN THE MIDDLE OF ONE OF THE LAST, PRISTINE CORRIDORS OF HABITAT CRITICAL FOR ENDANGERED SPECIES." - **TIM DALBEY, ARCHAEOLOGIST- DALLAS TEXAS.**

Because lomo ochoas as well as the mouths of streams at the ocean edge there are often major archaeological sites that often contain burials, the previous discoveries on the surface of Garcia pasture, and the oral traditions of the Esto'k Gna that marking Garcia Pasture as a significant sacred site, it is almost certain that the area contains graves and cultural artifacts.

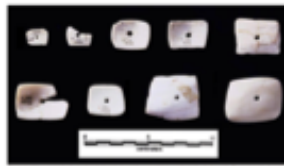


Prior to the mid-twentieth century, the Rio Grande Delta's extensive tidal zones, marshes, and periodic influxes of fresh water created very productive estuaries

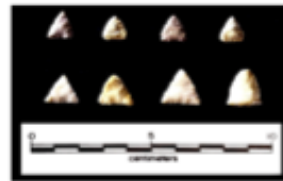


Carrizo shell gorget with notched edges and a cross pattern formed by half-drilled holes. Similar artifacts occur in Archaic burial contexts at inland sites.

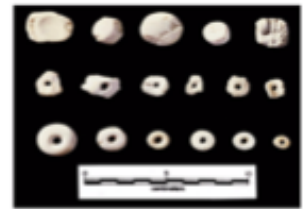
Shell gorget pendant



Shell scrapers

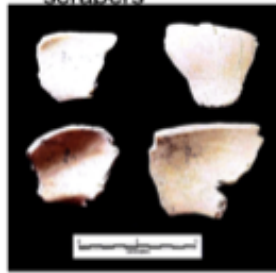


Carrizo stone and below shell points



Various shell beads

Most shell artifacts at TARL, from website: Texas Beyond History, Brownsville Complex



Olla ceramic vessel and replica

ARTIFACTS FROM THE ANDERSON COLLECTION

Brooke Rosel, tribal member explains that in school, she was taught that all of the tribes in Texas disappeared. She did not hear the name of the Carrizo Comecrudo until she found her family. The more devastation inflicted on the land, the greater detriment to their way of being. In Houston, she remembered the balls of tar on the beach, thinking it was normal on a coastline. Pollution targets people who do not have the ability to speak up, so this tribunal is speaking for the generations to come.



PROPOSED PETROCHEMICAL BUILD-OUT IN GARCIA PASTURE (SOUTH TEXAS)

Texas LNG has proposed an export terminal that would cover 2,340 acres, including paving over hundreds of acres of wetlands, with 282 acres being permanently impacted. This proposal threatens priceless natural habitat that is home to over 150 protected species as designated by Texas Parks and Wildlife. According to the Federal Energy Regulatory Commission (FERC), Texas LNG plans to destroy 47% open land, 28% scrub shrub, 14% wetland, and 11% of the open water habitat that is essential to the survival of endangered and rare species in Cameron County. The purpose of the LNG terminal in Garcia Pasture is to create a port of export for fracked natural gas from Western Texas. Not one drop of LNG is destined for domestic use. The three terminals planned for the area are being pursued by the following three companies: Texas LNG, Annova LNG (owned by Exelon) and Rio Grande LNG. Enbridge has completed a pipeline through the area, and Rigo Bravo Pipelines (a subsidiary of Enbridge) plan to add additional, tributary pipelines.

Bekah Hinojosa, Gulf Coast Campaign Representative with the Sierra Club reported that Garcia Pasture and the proposed LNG terminals are at the frontlines of sea level rise and border militarization. Due to its proximity to the Mexican border, the entire area is surrounded by US Customs and Border Patrol checkpoints and experiences an intensified federal militarized presence. The LNG terminal companies benefit from this over militarization due to police and federal agent's intimidation and criminalization of local people resisting the terminals. This project is intensifying and continuing the tradition of extractive colonization to the Rio Grande Valley.



SOURCE: REBEKAH HINOJOSA, SIERRA CLUB

Impact on Regional Ecology and Culture. The richness of the ecology of the Rio Grande Valley and Garcia Pasture is hard to overstate. It is also hard to overstate the devastating impacts that the LNG terminal would have on the Rio Grande Valley environment. One of the most important aspects of the Rio Grande valley is that it is part of a large, uninterrupted wildlife corridor that reaches down into Mexico. The proposed terminal would fragment the habitat, endangering the survival of important species like the ocelot, cougars, and even bears. The loss of apex predators like big cats bears has impacts throughout the ecosystem, including overpopulation of herbivores, placing important and rare plants at the threat of overgrazing. Environmental educator and organizer from the Rio Grande Valley, Patricia Rubio, pointed out the importance of interconnections in the local ecosystem, "Not only is the survival of the top of the food pyramid critical to the balance of the Rio Grande Valley, but the health of the base of the pyramid. The soil and the air can have cascading impacts throughout. Soil, water, and air are part of the delicate balance to make the ecosystem what it is."

The balance of soil, water, and air are critical to the health of plants and animals at the base of the pyramid, such as algae and water fleas, in thern, the crayfish, water striders, and shrimp rely on their health, and birds such as herons and pelican rely on their health. The LNG terminal is not natural, and is not part of this environment. It will eventually leak and explode. It will introduce toxins into the air, water and soil. It will fragment habitat. It will take the ecosystem away from future generations.



SEAL OF THE CARRIZO COMECRUDO TRIBE (ESTO'K GNA)

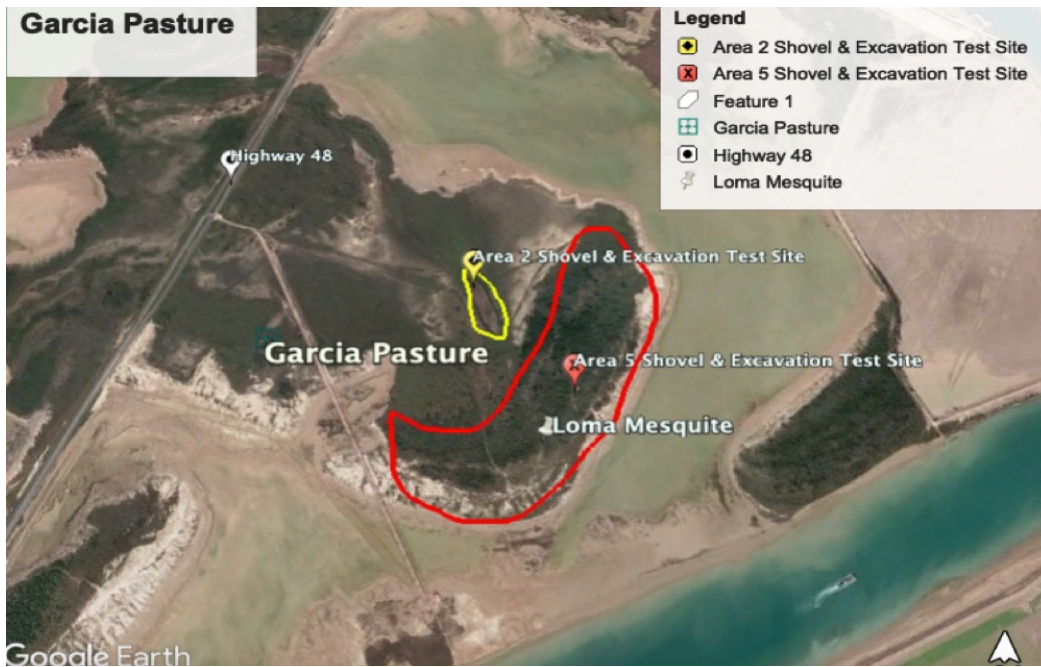
The separation between the Esto'k Gna's culture and their environment is a somewhat artificial one. As Tribal Member Patricia Rubio illustrated, nature is an integral part of the tribal insignia. The bear, turtle, Alpomodo Falcon, as well as Peyote as the natural medicine are all part of the local environment and the tribal insignia.

The Esto'k Gna view preservation of the ecosystem and its balance as part of their cultural duties, passed down through generations. Article 25 of UDRIP provides that "Indigenous peoples have the right to their special and important spiritual relationship with their lands, waters and resources and to pass these rights to future generations." The Carrizo Comecrudo are concerned that extractive industry development will negatively impact this relationship.

Anayanse Garza, member of the Esto'k Gna, spoke of her personal history with the narrative of death. As original people, the Esto'k Gna have lived on the land and broken through its border. Their mere existence defies the narrative of death. She has witnessed a struggle against injustice as an individual and an organized community, as well as discrimination and abuse as a consequence of extractive colonization and attempted erasure. She and her people have a history of working in contaminated fields, even as children. Medicine and healthcare are unavailable. Meanwhile their land has been used as a testing ground for contaminants such as agent orange. The territory of the Esto'k Gna still contains colonias, unincorporated communities without access to electricity, water, or drainage. Garza grew up in a colonia in the wetlands, so she knew what it meant to value clean water. They did not have running water in the house, and agricultural flooding of the colonias would bring agricultural chemicals into their home. The proposed LNG projects will continue to devastate the lands and communities of the Esto'k Gna, as well as their sacred medicine, their water, and their non-human relatives. "We need to raise public consciousness and advocate for jobs that are not part of the border military complex, practice the Esto'k Gna teachings and follow the prophecies. She will defend the land of her ancestors where her belly button was buried."

Impact on archeological and cultural resources. Garcia Pasture, as a burial site and historical village site of the Esto'k Gna, contains priceless cultural significance and artifacts. Most of the documents on the Esto'k Gna were reports by colonizing agents, with insufficient information. Meanwhile, Garcia pasture serves as a record to better understand the practices of the Esto'k Gna outside of this colonizer lens. As archaeologist Russel K. Skowronek pointed out, with cultural and historical sites, you only get one chance to do things right. Once an artifact or site is destroyed, it cannot heal or come back. In the past, the area has been little studied, and cultural sites in the territory of the Esto'k Gna had been dug up by private landowners, resulting in an incredible loss of knowledge and culture. Archaeologists in the area now are conducting grassroots engagement with the community to map artifacts that have been identified or found, and to use that information to better understand the past.

As part of the permitting process, the LNG companies conducted an archeological study. However, despite Garcia Pasture's archaeological and cultural richness, the 2016 archaeological studies conducted by Texas LNG somehow did not find any evidence of artifacts. These studies did not uncover artifacts because they were inadequate, and likely did not represent a sincere attempt on the part of Texas LNG to ensure the protection of the Esto'k Gna's heritage.



CLOSE UP OF GARCIA PASTURE SHOVEL TESTING. SOURCE: TIM DALBEY



SOURCE: REBEKAH HINOJOSA, SIERRA CLUB

An LNG terminal in that area would eliminate any hope to ever uncover the information left behind by Esto'k Gna ancestors, or for the Esto'k Gna to ever reconnect with the site for a whole generation. Cultural resources are not renewable, and the destruction of the graves and historical sites of the Esto'k Gna is a continuation of the attempted erasure of their history and culture since colonization.

Anticipated Health Impacts. The LNG terminals as planned would be the single largest source emitters of pollutants in the Rio Grande Valley of toxic emissions, including particulate matter, and greenhouse gases. This would cause a massive increase in emissions overall for the area, with significant impacts on the health of individuals.

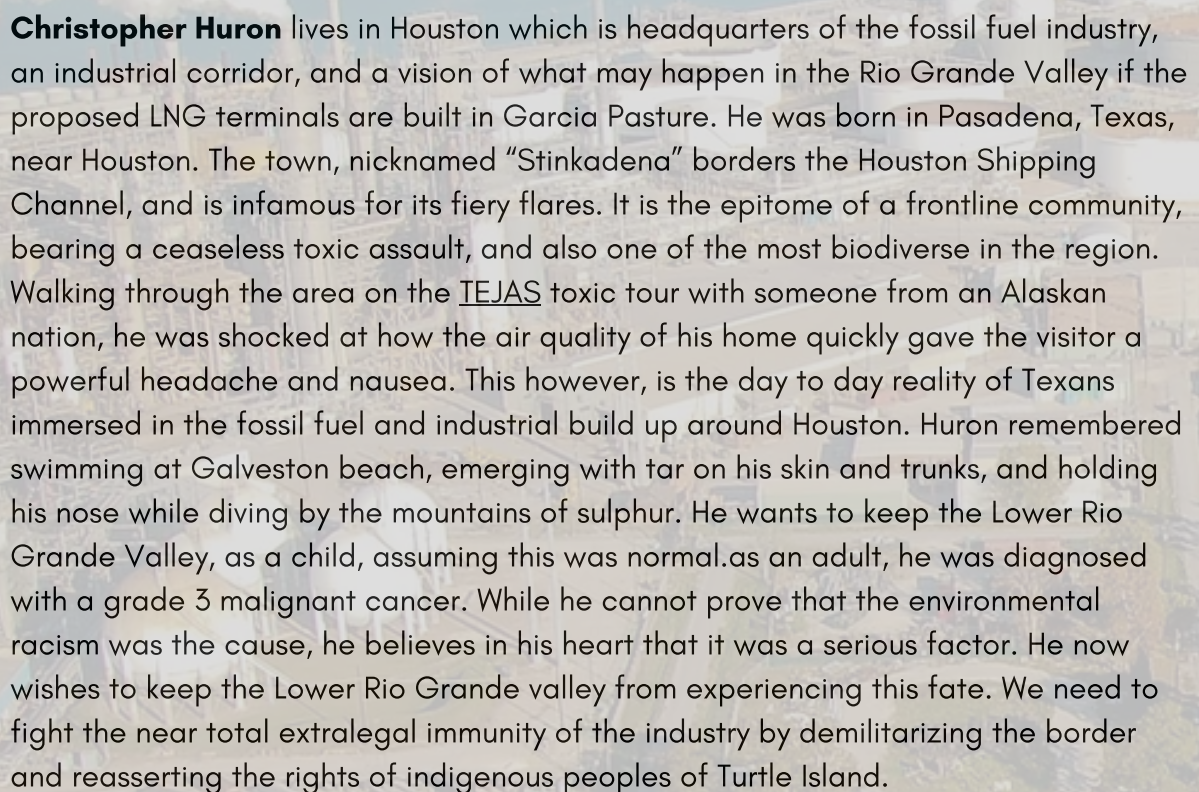
Pollutant	LNG Air Emissions Estimate (Tons Per Year)*	Current Largest Source in the Rio Grande Valley region	Tons Per Year
VOCs (Volatile Organic Compounds)	731.5	Valley Co-op Mill (cotton oil plant)	96
CO (Carbon Monoxide)	3,722.9	Magic Valley Generating Station (natural gas power plant)	538
NOx (Nitrogen Oxides)	3,413.9	Frontera Energy Center (natural gas power plant)	317
PM2.5 (Particulate Matter)	442.5	Frontera Energy Center (natural gas power plant)	86
CO₂e (Greenhouse Gases)	9,172,310	Municipal landfill	112,810

SOURCE: REBEKAH HINOJOSA, SIERRA CLUB

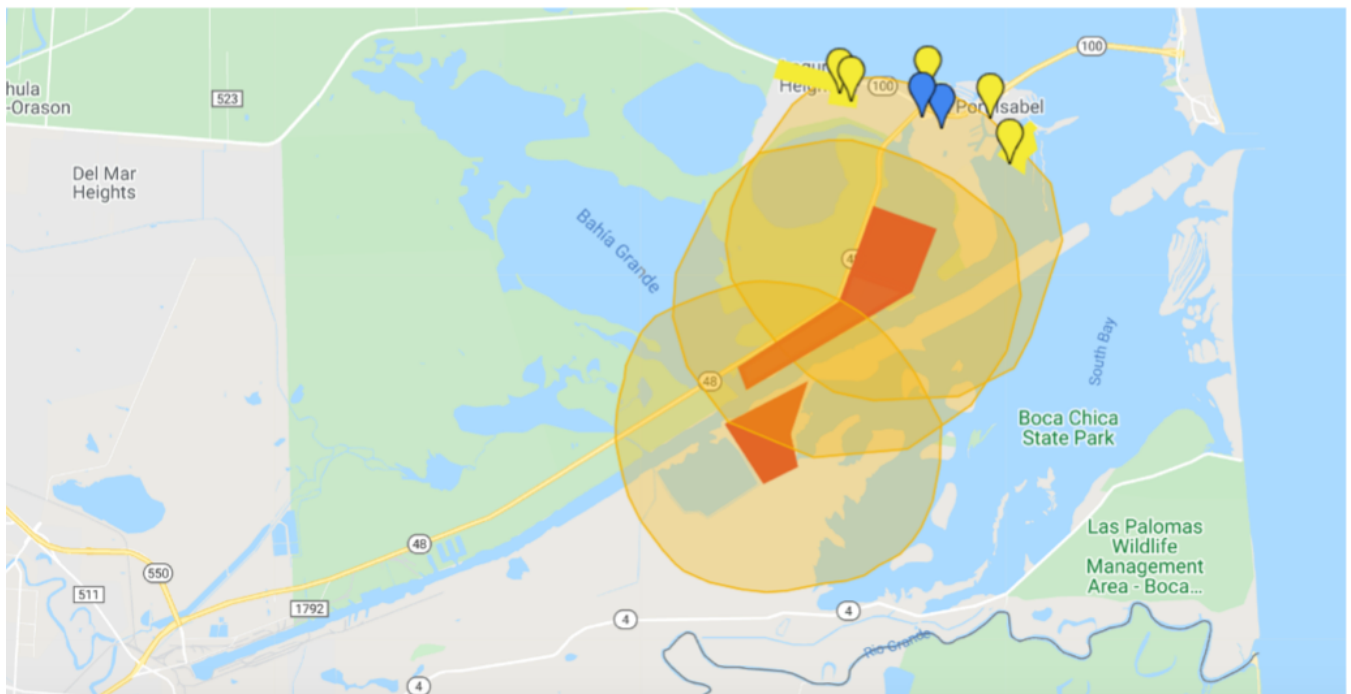
Vanessa Bolin presented information from over 700 independent studies on the health impacts of extractive industries, 80% of which agree that the health determinants related to extractive industries are real, significant, and negatively impact human health. Bolin explained, "Eye, nose, throat, and lung health will suffer severely under the proposed LNG terminal projects. Pre-existing respiratory conditions will worsen, allergies will develop into asthma, and previously healthy people may begin noticing frequent nosebleeds, chest pains, shortness of breath, perpetual sore throat, and burning in lungs. These respiratory problems could then spread to the heart and cardiovascular systems as the heart and lungs operate as one unit."

The health impacts of the proposed LNG terminals would be similar to that found in Louisiana's cancer alley as well as Black and Brown communities in Houston. Nervous system issues such as increases in headaches, migraines, and exacerbation of existing cases of multiple sclerosis would occur. Cancer always increases in the presence of fracking and the natural gas that comes from it. Brain cancers that are otherwise rare will become more common. Leukemia will become more frequent. Skin cancers and other skin issues, such as irritation and chemical burns, will also accompany the development of an LNG terminal. The surrounding community can expect a drop in birth weights.

The increased noise during the construction and operation of the proposed LNG projects results in sleep deprivation of the local people, which will have a cascading effect on mental and physical health. Further, the LNG terminals present a threat to public safety. Explosions and blowouts are present threat with LNG terminals. Such risks are not limited to the area immediately surrounding the proposed terminals. Flammable vapor clouds can drift for miles and cause explosions far from such developments. Worker injuries and deaths also are anticipated. The construction of LNG terminals also brings fears of state-sponsored violence in response to peaceful community resistance. The disproportionate health and safety impacts of the proposed LNG terminals on the local Indigenous and Latinx populations are a clear example of environmental racism.



Christopher Huron lives in Houston which is headquarters of the fossil fuel industry, an industrial corridor, and a vision of what may happen in the Rio Grande Valley if the proposed LNG terminals are built in Garcia Pasture. He was born in Pasadena, Texas, near Houston. The town, nicknamed “Stinkadena” borders the Houston Shipping Channel, and is infamous for its fiery flares. It is the epitome of a frontline community, bearing a ceaseless toxic assault, and also one of the most biodiverse in the region. Walking through the area on the TEJAS toxic tour with someone from an Alaskan nation, he was shocked at how the air quality of his home quickly gave the visitor a powerful headache and nausea. This however, is the day to day reality of Texans immersed in the fossil fuel and industrial build up around Houston. Huron remembered swimming at Galveston beach, emerging with tar on his skin and trunks, and holding his nose while diving by the mountains of sulphur. He wants to keep the Lower Rio Grande Valley, as a child, assuming this was normal. as an adult, he was diagnosed with a grade 3 malignant cancer. While he cannot prove that the environmental racism was the cause, he believes in his heart that it was a serious factor. He now wishes to keep the Lower Rio Grande valley from experiencing this fate. We need to fight the near total extralegal immunity of the industry by demilitarizing the border and reasserting the rights of indigenous peoples of Turtle Island.



BLAST RADIUS OF LNG TERMINALS, SOURCE: JOHN KEIL BURNELL

Gender and Petrochemical Build Out. Man camps will accompany the building of the proposed LNG terminals in Esto'k Gna land, placing its women at risk. Man Camps, temporary encampments of majority male construction, fossil fuel, and security personnel, will also accompany the construction of the LNG terminals, bringing with them gender-based crime. Casey Camp-Hornek is a leader of the Ponca tribe of Oklahoma, and an advocate for environmental justice and for missing Indigenous women. Man Camps have been an integral part of the colonization and settling of Native land and have led to the continued genocide of Indigenous peoples through the disappearance of Native women. They destroy culture through the disruption of matrilineal structures and the enslavement and disempowerment of women. Man Camps accompany construction in Indian or and other rural lands. Such man camps and construction bring with them an increase in violent crime, particularly among women, exacerbating an existing epidemic of missing Indigenous women. Man Camps are usually rife with illegal drugs, so as to keep the men working longer, and are centers of trafficking, prostitution, and disappearance of women.

Limitations on the Esto'k Gna's civil rights. In Texas, because LNG terminals are considered "critical infrastructure," peaceful protests of pipelines and terminals are considered a felony under HB 3557. This raises obvious questions of constitutionality and limits the ability of communities to engage in direct action on the land designated for fossil fuel development.

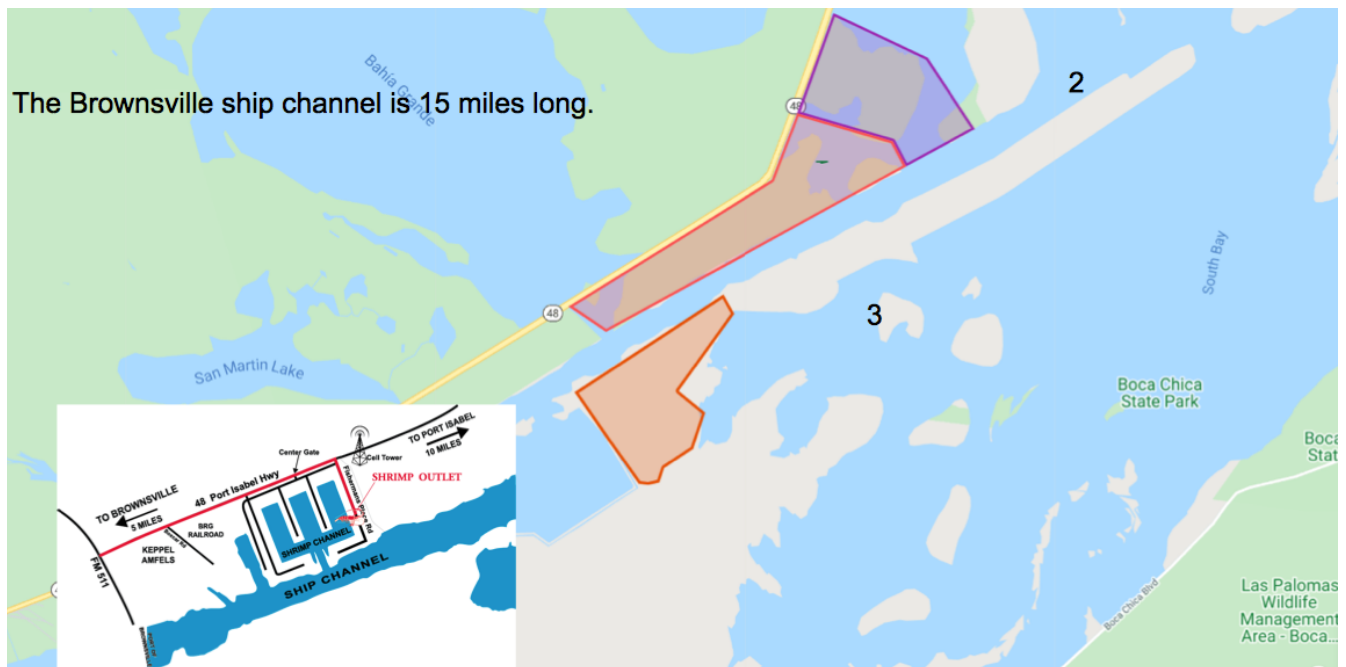


YALUT VILLAGE: AN ESTO'K GNA ENCAMPMENT ON THE ROUTE OF THE PROPOSED BORDER WALL

This is particularly problematic for the Esto'k Gna's efforts to assert sovereignty of their own land. The laws that protect fossil fuel extraction companies are direct legacies of the laws that gave corporations and industries rights during the era of railroad barons. As a result, once interstate commerce comes into play, individuals become powerless against the government's efforts to protect industries, particularly Black and Brown communities and rural communities.

Economic Impacts. Although the LNG developers argue that the LNG terminal would bring economic benefits, it will bring nothing short of an economic disaster to the Rio Grande Valley. The Rio Grande Valley, as an unpolluted, intact habitat, is rich in ecosystem services which benefit both the Esto'k Gna and their non-Indigenous neighbors. Shrimping and fishing are the lifeblood of the local economy, and ecotourism also is an important additional source of income.

J. Keil Burnell, a third generation shrimper and owner of a small seafood store, gave testimony on the behalf of the shrimper community. He has been going up and down the shrimping channel in Garcia Pasture his entire life, and the proposed LNG projects are located between the Shrimp Basin and the Channel exit. In order to reach the shrimping basin, the shrimpers will have to pass through three LNG docking areas for tankers. The LNG export tankers will interrupt shrimp boats and ecotourism boats by halting all traffic. The LNG companies will essentially have complete control over the channel, and Burnell, like many of the other speakers, anticipates an increase in border militarization that will accompany the LNG terminals.



MAP OF SHRIMP CHANNEL AND PROPOSED LNG TERMINALS, SOURCE: JOHN KEIL BURNELL

The nearby wildlife refuges bring in tourism revenue in the form of boat rides and support to local businesses. The devastation to the environment and interruption in the habitat brought on by the LNG terminals would impact the wildlife population and thus the draws for ecotourism, again eliminating an important source of income.

Burnell, through contacts with other shrimpers throughout the Gulf region, testified that fossil fuel development is always accompanied by devastation in the shrimping industry, and this would certainly be the case for the Rio Grande Valley if the LNG terminals were built. The Rio Grande Valley shrimp basin is one of the cleanest in the Gulf. When Burnell spoke to the installer of the Rio Bravo Pipeline, he said that the pipeline worker was shocked by the health and beauty of the Rio Grande Valley because everywhere else he has installed pipelines has been areas with existing industrial development. All he had seen was death. After the installation of the pipeline, the shrimp basin was able to rebound relatively quickly because of the existing richness of the land. However, LNG terminals would create a much larger and persistent hit to wildlife from which the shrimp population cannot recover. The cooling stations in particular would kill huge numbers of shrimp. Additionally, the shrimp basin is within the blast radius of the LNG terminals, and a leak of the LNG could result in the vaporization of the shrimp area.

Unfulfilled Promises of Economic Benefit. The LNG terminals have received huge tax breaks from the local and Texas Governments, yet are estimated to bring in less than 70 permanent jobs. Meanwhile, the eco-tourism and shrimping industry are critical to the existing community and have built up Port Isabel while receiving little to no assistance from the government. Gulf Shrimpers have also done the most to decrease bycatch and their negative environmental impacts of any fishery. The LNG terminals will essentially replace the shrimping and ecotourism industries, which employ far more people, are integral to the community, and seek to establish balance with the natural environment. The region will be left with an extractive, harmful industry that provides few jobs and contributes little revenue to the local government.

BORDER MILITARIZATION

Continued Colonization of Sovereign Indigenous Territory. Dr. Basaldú describes colonization and the industrialization that follows as the beginning of the “narrative of death.” The US state, in defense of its colonial orders and extractive industries, has continually trampled over the rights of Indigenous peoples to their own sovereignty, culture, and land. Through post 9/11 enhancements of executive power, the Trump Administration is able to waive national environmental laws and laws protecting Native gravesites to expedite the border wall. There have been 25 instances of waiving of dozens of laws at a time, including NEPA and the Native American Graves and Repatriation Act, resulting in the blasting Native American graves. The Border Wall is planned to run through sacred burial sites of the Esto’k Gna, and the Trump administration has again waived important environmental and cultural protections in preparation of building the Rio Grande Valley portion of the wall.

Militarization and Surveillance in Violation of Indigenous Rights. The imposed US-Mexico border is a legacy of the colonization of the homeland of the Esto’k Gna and other nations. Eddie Canales of the South Texas Human Rights Center detailed how migrant deaths, often of people indigenous to Central American and Mexico, are the result of the violent policies of deterrence, militarization, and demagoguery of the United States. In Brooks county, slightly northwest of the Esto’k Gna lands, migrants die in huge numbers on their journey avoiding the checkpoints. Mr. Canales reported that nearly every ranch in Brooks County has overturned at least one body, and that 539 people reported missing to his organizations have not been found. The flow of people, particularly Indigenous people, across the borders is a natural flow, reflecting millenia of exchange throughout the Americas. Entering without inspection is an act of civil disobedience.

Kat Perez Feuerbacher was born in Brownsville and raised in the Lower Rio Grande Valley. Although she has moved away, her whole family still lives in the area. Growing up as a Native of the Lower Rio Grande Valley, she knew that her people were here before Mexico was Mexico, Texas or the United States were around. She knew that she was here for the land. However, she also grew up with a tension between the secret pride of being Native and the public need to assimilate and inherited a continuous fear of acknowledging indigeneity, and thus did not know all of her tribe. Texas did a good job of making autochthonous people forget who they are, and the natural order. She remembered the pride of being able to buy bottled water as a status statement. But she also remembered how she used to be able to drink the water of her land. Again, Texas made them forget that not drinking their water is not normal. She remembered hearing of the Carrizo Comecrudo in textbooks, and her father telling her that everything in those textbooks were lies. She remembered seeing the tar start to wash up on the beaches of her new home, hoping that her homeland beach would not be inflicted with the tar. Yet, each time she returns to the land she sees the changes.

Nellie Jo David of the Tono O’odham people whose lands traditionally spanned the imposed US-Mexico speaks of how her people have been split by the border, and how traditional practices requiring migration have been interrupted. The O’odham in Mexico cannot migrate north, and the elders of the O’odham in the United States, born in the traditional ways who do not have birth certificates, cannot migrate south. By forcing members of the O’odham to speak the colonized languages, particularly in the United States through boarding schools, have made it especially difficult for relatives on the other side of the border to maintain connections.

David located on the imposed border of Arizona and the Mexican State of Sonora, grew up in the land of her ancestors, but the town was bulldozed to make space for a copper mine. The mine closed only decades after the town was bulldozed. Under the new regime of industrialization, and robbed of their old homes, David’s family had no means of sustaining themselves in the colonized town. Even seemingly well-meaning governmental acts have displaced her people. The Hia’Ced O’odham are unrecognized because the Saguaro National Monument was established on their land, giving them no access to their territory.

The militarization of the border is a direct result of NAFTA, in which traditional Indigenous agriculture was replaced by agriculture by large, transnational corporations. The militarization was a response to the anticipated large waves of immigration as a result of this shift. By constructing integrated fixed towers from Israeli companies through the O'odham land, instead of the walls on adjacent territory, her reservation was left less militarized. This drove desperate migrants into their desert and to die on O'odham land. The construction of the border wall itself is an act of violence. It has led to environmental destruction, man camps, poaching and illegal destruction of the Saguaro, and pumping of sacred water out of the desert.

Environmental Impact of Border Wall Construction on Indigenous Territory. Norma Herrera of the Equal Voice Network further detailed the environmental violence caused by the construction of the border wall. The border wall would, once built, act essentially as a dam, channelling and directing flooding to communities like colonias and limiting access to the Rio Grande. The U.S. Fish and Wildlife administration found that planned border construction could render 30% of the national wildlife refuge inviable. Saliñeño, a bird reserve in another one of the congressionally protected communities, would also be cut in half and left inaccessible to the community that depends on it.

A case study on the border wall construction found that the engagement was not sincere. Congress attempted to protect certain communities by establishing five areas through which the Trump administration could not build a border wall. Consultations with local officials and communities as well as a comment period were required. The administration received over 2,000 comments that included concerns about environmental issues, concerns about impacts to cultural and tribal resources, economic impacts, gate access to property south of the border wall, as well as humanitarian concerns about the immigration policy. In essence, the government had continued with the plans they had before the consultation, and did not respond to any comments. One of the sites for the border wall would make an Esto'k Gna graveyard and burial ground inaccessible. Without the ongoing litigation, the Trump administration would have built the wall as proposed despite a requirement to engage with the community.

The Trump Administration has shown bad faith in enforcing the colonial border through Indigenous burial grounds across the Southwest. The US Congress created a wildlife refuge in one of the five areas protected from the construction of the border wall, but the Trump administration found a privately-owned levee running through the wildlife refuge, and built the wall on that levee, with a 150 foot enforcement zone. This levee will not connect with any other lengths of wall or cover a substantial area, but the destruction of land and development of roads required to bring in the construction equipment will have devastating effects on the protected habitat.

Isidro “Sid” Leal, a member of the Esto’k Gna, lifelong resident of the Lower Rio Grande Valley, a veteran, a member of the Union of Concerned Scientists wants to plan for the next seven generations and the future of his own children. This means breaking away from materialism and working to restore human rights for everyone. It is time for the United States and Texas to formally apologise for the genocide against native peoples. The border wall is part of the genocide, as well as immigration rules and the direct assault on the lands in the form of the LNG terminal. His wish is to restore Esto’k Gna lands and culture.

STATEMENTS BY REGIONAL & NATIONAL ALLIES IN OPPOSITION TO LNG PROJECT AND IN SUPPORT OF THE TRIBES

At the close of the tribunal, representatives of regional and national allied organizations gave statements in reaction to the tribunal and in solidarity with the Esto’k Gna.

Cyrus Reed, Sierra Club

Recognizing Sierra Club’s history of privilege and lack of understanding of Native Americans and problematic founding, Sierra club is now working towards anti-racism. They seek to amplify the voices of Indigenous peoples, as allies. The installation of the LNG terminals will allow for more LNG extraction, invite more pipelines, and exacerbate climate change. Marginalized communities are the least responsible for these harms, yet are the most impacted. Garcia Pasture itself could be inundated by sea level rise. The Local Sierra Club’s efforts to build connections are lead by Bekah Hinojosa and have included Juan Mancias on the board for the Sierra Club Lower Rio Grande Valley Group, and Christopher Basaldú is the organizing director. The Sierra Club is involved in several lawsuits against Rion Grande LNG on behalf of the community of Port Isabel. The Indigenous communities and border areas have always been under threat, but now, with the patriot act, 20 years of bad have become much worse. The Texas Railroad Comission and environmental agencies do not represent people, they only exist to permit fossil fuel projects. Our only option in this fight is to band together.

Grandmother Gloria Arellanes, Tongva Elder, Society of Native Nations

As an Indigenous person of California, Grandmother Gloria came to support the Carrizo Comecrudo tribe. She often works with sacred sites in her ancestral lands in California, close to Los Angeles. There, developers are trying to take all open land, and must be observed constantly because sacred sites have been dug up and bodies have been placed in trash bags. The threat the Carrizo Comecrudo people face is a result of society's incapacity to look for other sources of energy. There are global connections and impacts on the oceans and air of the extraction economy. Grandmother Gloria and the tribes of California are in solidarity over the pain of the disturbance of the graves of their ancestors. Now requires more than just listening, they need action.

Dave Ortiz, American Indian Movement - Central Texas

Dave Ortiz has known Juan Mancias for a long time through their involvement in the American Indian Movement for many years, and has known his and the Carrizo Comecrudo's dedication in protecting sacred sites. When the border wall was proposed, Mancias knew more was to come. The extractive industries have no connection with the Rio Grande valley, and thus see destruction as progress. AIM will always stand against the destruction of the earth. This tribunal may be the fulfillment of a prophecy: one day the children of the oppressor will stand by your side.

Matthew Kennedy, Gulf Coast Center for Law & Policy

Gulf Coast Center for Law & Policy is a public interest law firm & justice center with a mission to advance structural shifts towards climate justice & ecological equity in communities of color on the frontlines of climate change. We're honored to be here as part of our work to advance Gulf South for a Green New Deal. The Gulf Coast Center for Law & Policy stands with the Esto'k Gna people and the Carrizo Comecrudo Tribe of Texas in confronting not only the construction of this border wall and these fracked gas terminals & pipelines in Garcia Pasture - but also the extractive economy that facilitates this kind of disastrous infrastructure, and devalues and destroys Black & Indigenous, poor, migrant, and rural life and land everywhere. We recognize the inherent right of the Esto'k Gna to be free of this extractive economy. We recognize their inherent rights - and the inherent rights of all Indigenous Peoples - to survival; to self-identity; to self-determination; to protect their people, their lifeways, and their non-human relatives; to continue living in sacred relationship with the land.

Gulf South Communities like the Esto'k Gna know from direct experiences that "We cannot afford this polluting economy". We cannot afford an economy that is rooted in dispossession, extraction, and erasure. We cannot afford an economy that makes our neighborhoods and sacred sites into sacrifice zones, and privileges profit over people and the land. We cannot afford an economy which results in this crisis of Missing & Murdered Indigenous Womxn & girls.

We cannot afford an economy that builds walls and destroys homes and homelands. And we cannot afford this polluting economy because it is already causing devastating changes to our climate, and our communities are on the frontlines of climate disaster.

Fossil fuel mega-projects like Texas LNG, Annova LNG, and Rio Grande LNG are part of a larger petrochemical buildout in the Gulf South, which is accelerating this global climate crisis at an unacceptable rate. The fracking boom in the Permian Basin of West Texas and New Mexico is leading to a proliferation of pipelines, refineries, export terminals, and other toxic infrastructure on the Gulf Coast. Projected carbon emissions for the United States alone will increase global temperatures catastrophic levels by 2036. The Gulf South is already on the frontlines of worsening hurricanes & heat stress, land loss & sea level rise, flooding & drought. Indigenous & other communities in the Global South – while the least responsible – are also hit hardest, both by climate disasters and by false climate solutions designed to offset our polluting economy in the Global North, which lead to land grabs and threaten food sovereignty. This fight of the Esto'k Gna is significant for the entire U.S. South, the continent, and for the world.

According to the Intergovernmental Panel on Climate Change, we have less than ten years to make radical shifts in the global economy to stop the most catastrophic impacts of climate change. But our communities knew even before the latest IPCC report that this radical transition was necessary, and that it must be just, equitable, and inclusive. Since 2019, the Gulf Coast Center for Law & Policy has anchored Gulf South for a Green New Deal, a regional initiative to advance a frontline, collective vision for a just and equitable world. Our vision for just transition is one that will lead us to a sovereign, decolonized, sustainable future for the Esto'k Gna and for all Indigenous peoples on the frontlines of extractive industry. The grassroots-developed GSGND policy platform calls for the sovereign rights and treaties of all tribal nations to be acknowledged and honored. In order to move forward from the injustices against the Esto'k Gna and Peoples of the Gulf South, there is a need for acknowledgement, healing, and reparations. And Indigenous and Southern leaders must play a central role in the country's transition toward a more just and sustainable world."

Garcia Pasture is sacred land. And as the Esto'k Gna have reminded us, our climate is also sacred. And the fight to protect it is relevant to everyone. The struggle against the climate crisis is a collective struggle. Across issues, regions, and cultures, we have a shared struggle and the duty to come together if we are going to win. We're moving together in a spirit of solidarity and shared liberation. The Carrizo Comecrudo Tribe is leading by example to protect Indigenous Rights. As the great Mississippi organizer Fannie Lou Hamer says, "Nobody is free until everybody's free." We call on all of you to fall in formation and support the leadership of the Carrizo Comecrudo Tribe of Texas to save Garcia Pasture.

Neta Ryne, Thundering Hooves, Balmoreah, TX

As a member of the Cherokee Nation and direct descendant of the Trail of Tears, Neta Ryne felt it important to lend her voice and tell her personal story. She planted roots in Solomon Springs, an area of natural beauty in order to be protected from fossil fuel invasion. However, in 2016, Apache Corporation announced it had acquired the mineral rights of the land beneath her, and were now able to do whatever they wanted. They destroyed a beautiful desert oasis with fracking. Solomon Springs now has terrible air quality and man made earthquakes. She had little means to protest the change with the railroad commission as she had to represent herself against Texas Government Lawyers. In the current legal regime, defending land makes you the enemy, while the law protects the destroyers of land. Native peoples need to stand in solidarity, and unleash the power of their dances, prayers, and spirituality, which has led to the shutdown of rigs and extraction in the past.

Michael Robinson, Center for Biological Diversity

The Rio Grande valley is such a rich area, that it was the last place in the united states with a stand of jaguars (the last jaguar was killed in 1948). Think of the richness of an ecosystem that would be required to kill such an apex predator. Today, there are critical populations of endangered species. The fragmentation of the two populations of ocelots as a result of the LNG terminals and the border wall could lead to a devastating loss of genetic diversity. The area still has cougars and mountain lions, and connection with the Mexican population is critical for their survival. Additionally, the area is home to rare native plants such as the parquered twist flower, and the Bushy Whitlow Wort, which can be found only in South Texas. These plants depend on the predator animals to survive, and maintain the balance of the region. This tribunal reminds us what is lost, what remains, and what needs to be done to conserve what can be saved.

MOVING FORWARD

Asserting Sovereignty. Unfortunately, the legal status of tribal nations in the United States is defined under the current colonial political scheme, not in terms of self identity nor international rights of self determination. Recognizing the current scheme of colonialism, how does the tribe move forward? They may collaborate with anthropologists and other experts to gather their stories to establish their legitimacy. Documents of all history, including the treaties with the Mexican or US governments. A collaborative effort on both sides of the river will help the Esto'k Gna demonstrate their history and rights to their land to the government. Other structural requirements for recognition include membership criteria, political influence of membership, and establishment of sites and territory.

Federal recognition, while a powerful tool is not the only option. The Esto'k Gna had filed a petition letter for recognition in 1988, but did not future erasure the request. In the words of Tribal Chair Juan Mancias, "why do we need the government to recognize us? We know who we are." federal recognition is also a long and costly process, which the tribe did not have the resources for. Now, they have filed for land as part of their battle to maintain their identity. The Esto'k Gna have the records they need, especially as the only tribe that fought the Gaddsen purchase. Should they pursue federal recognition at this stage, they meet the requirements. However, recognition was not needed for their lawsuit against the Trump Administration's border wall, and the DC Circuit court upheld their right to sue as autochthonous people.

Asserting the Rights of Nature. Uniting the Esto'k Gna's struggle to defend their land with the larger struggle against environmental degradation and fossil fuel development is also a powerful option. According to Eric Reed, tribal lawyer, although courts are not likely to care about Native religious rights to land, they will respond to endangered species and NEPA protections to prevent development of Native sacred sites. The organizing to prevent the LNG terminals thus far has involved collaboration with environmental groups, including environmentalist allies abroad. Environmentalists in the home countries of the financing companies of the LNG terminals have targeted these companies. Allies include Friends of the Earth France, environmentalist groups in Ireland, and environmental groups in Australia, where activists played a video of Juan Mancias to the CEO of one of the financing companies. Dave Ortiz of the American Indian Movement spoke of Tribal Chair Juan Mancias' long term dedication to the Esto'k Gna and their sacred sites. The vision of elevating the Esto'k Gna has been challenged by the border wall and extractive industries. The extractive industries have no connection to the land or its history. They see destruction as progress. He stated that AIM will always stand against the destruction of the earth, and that indigenous wisdoms and prophecies spoke of this day when the children of the oppressor would stand by their sides. Ms. Camp-Horonek pointed out that by protecting the water through NEPA, the water ends up protecting the people. The rights of nature, which has been formalized in Ponca law, create a safe space against extractive industry and man camps in their sovereign territory, which also protects their non-native neighbors from fracking and other toxic industries. ***Thus, when indigenous people use their voice to protect the water and environment, they then protect all peoples.***

International Engagement. Other sources of rights include Tribal Rights, such as those recognized by the U.S. Government and tribal constitutions as well as rights as US citizens, such as the rights to not be searched at border patrol checkpoints. The United Nations (UN) Declaration on the Rights of Indigenous Peoples articulates collective rights for Indigenous peoples, as well as rights to nature and traditional medicines.

The UN Declaration for Rights of Indigenous Peoples has been used in cases in the United States, such as the Gold King mines spill in the Navajo Nation through a resolution inviting the treaty council to help fight and document the issue. International bodies also intervened in the fight for pesticide use in Mexico which caused sickness and developmental issues in indigenous communities, as well as the repatriation of sacred items.

Observer's Opinion recommendations for the Carrizo Comecrudo Tribe of Texas

The official observers of the Carrizo Comecrudo Human Rights Tribunal were a group of distinguished leaders in the human rights, environmental justice, native rights, and immigration fields. At the conclusion of the tribunal, they presented the following recommendations to the Carrizo Comecrudo tribe:

- Pursue legal counseling and advice on advancing litigation to hold the US government accountable for grave human rights violations and to provide redress to indigenous communities.
- The findings of this tribunal should be presented to various UN entities, such as the Special Rapporteur on the Rights of Indigenous Peoples, as well as broadly disseminated to reach the public in the US and globally.
- A full account of the Observer's Opinion recommendations can be found at www.gcclp.org.



CONCLUSION

The Esto'k Gna's rights of self determination includes their right to refuse polluting projects, the right to maintain relationships with the land, and redefine what development and critical infrastructures mean to them. Anayanse Garza at the close of the tribunal stated that the sky, water, and land are the critical infrastructure to protect. The LNG terminals are threats to collective rights, to culture, and to grandmother earth. The Esto'k Gna vow to join together to move forward, to continue their direct action work and protest, as well as to fight back through the legal system and through political demands.



The official findings of this Tribunal will be used to develop litigation against the corporate and government entities that have caused this harm, including threats to public and environmental health posed by extractive drilling practices. Tribal Chair Juan recommends documentation of the human rights abuses at hand and contacting the Special Rapporteur on the Rights of Indigenous Peoples, who is currently based in Arizona, and potentially involving the Esto'k Gna with the UN report on border issues.

Eddie Garcia. The ancestors would have gratitude for the work being done today. Mr. Garcia was not afraid to cry after experiencing this day because he would rather be a good Esto'k Gna than a good man. The tribunal surpassed his imagination of what this could be, not just for the Esto'k Gna, but also all other people and non human beings in their territory. The task now is not to despair and to think of nature-based solutions. As children, we know how it feels to see the tankers and know that they are wrong and do not belong. We must continue to listen to those instincts.

Jessie Mancaz reminded participants that relatives include everyone, we are all related. During the tribunal, his heart moved from his chest. There was so much power and beauty in the words and the stories. The tribunal is like the momentous events of the past, like the Battle of Little Big Horn. It started as a coalition of warriors, and the tribunal has the same promise. The Esto'k Gna can fight, but need the voices of all brothers, sisters, and like-minded beings to speak as one. We have awoken a sleeping giant, and now is no time to sleep. This is their land and now is time to stand with eagle feathers in their hair.

ACKNOWLEDGEMENTS

Thank you. We would like to express our sincerest appreciation gratitude to our presenters, observers, funders, co-sponsors, and writing team whose support made possible the Carrizo Comecrudo Tribunal on Human Rights and this report.

PRESENTERS/SPEAKERS

Casey Camp-Horinek, Councilwoman and Hereditary Drum keeper of the Women's Scalp Dance Society of the Ponca Nation of Oklahoma, is a longtime activist, environmentalist, actress, and published author. First taking up the cause of Native and Human Rights in the early 70's; it has been in the last 15 years that she began her plea for Environmental Justice for her Ponca people and people around the globe.. Casey was also instrumental in the drafting, and adoption of the first ever International Indigenous Women's Treaty protecting the Rights of Nature. Casey travels the globe bringing awareness, speaking multiple times at the United Nations Forum on Indigenous Issues, she is also a board member of WECAN, and Movement Rights.

Dr. Basaldú is Esto'k Gna, a member of the Carrizo Comecrudo Tribe of Texas. He grew up in Brownsville and Corpus Christi, Texas before earning the degree of Bachelor of Arts in the Study of Religion from Harvard University. After teaching in Japan, Dr. Basaldú earned the degree of Doctor of Philosophy in Anthropology from the University of Arizona. Dr. Basaldú currently lives in Brownsville after returning to the Rio Grande Valley a few years ago. He currently works with Sierra Club and volunteers with other community members on issues of social justice and environmental justice.

Timothy Stephen Dalbey is an independent archaeological and environmental consultant to various groups pertaining to the destructive projects, including the He has consulted on the \$2-4 billion North Texas Tollway Authority (NTTA), City of Dallas, Trinity River Parkway from 1998 to 2018. In the end, the project was abandoned. Timothy has provided consultation to several environmental groups, including the Sierra Club, Dallas Chapter, Texas Conservation Alliance, among others. Tim advocated to save "Big Spring," stopping the destruction of an archaeology site, and instead creating a 15-acre Historic Landmark for the natural spring and archaeology. Timothy has worked for the U.S. Army Corp of Engineers on numerous archaeology excavations and surveys and completed 35 Cultural Resources Management Plans for military installations nationwide.

Bekah Hinojosa is an artist and organizer from the Rio Grande Valley of Texas currently serving as the Sierra Club's Texas Gulf Coast Campaign Representative. For the last five years, she has been organizing with her community to prevent three fracked gas LNG export terminals and the expansion of the U.S./Mexico border wall that would destroy the environment and harm marginalized people of color and indigenous communities. She is excited about resourcing her borderlands gulf coast community and is inspired by building art with people of all ages.

Juan B. Mancias is the Tribal Chairman of the Carrizo Comecrudo Tribe of Texas. Juan was born and raised in Plainview, Texas. He is the eldest born to a lineage of hereditary chiefs of the Carrizo Comecrudo, and descends from the Tesuque Pueblo and Kickapoo Nations. Juan has worked alongside the Sierra Club, protecting prairie dogs, organized marches against the Dos Republicos Coal mine, and initiated two inter-tribal organizations that are still viable and thriving today. Currently, he is building resistance to the fossil fuel industry and border wall construction, organizing efforts to assist asylum refugee, and reclaiming and protecting his tribe's ancestral lands. Juan considers himself a protector of the true Texas people's lifeways. He speaks from what he knows. His work today focuses on decolonizing both tribal people and others.

Vanessa Bolin is an Indigenous artist, activist, street medic and founder of the Eyes Wide Open Project, Richmond Indigenous Society, and River City Medic Collective. She sits on the board for SANTOS which provides bail funds for the undocumented community, as well as the board for the Virginia Network for Democracy and Environmental Rights. She studied Paramedic Medicine at Virginia Commonwealth University. Vanessa served as a medic in Standing Rock, ND, in Charlottesville on August 12, and in Houston after Hurricane Harvey. She established a Mutual Aid Disaster Relief warehouse in Roberson, Co after hurricane Florence, and has taught street medic training across the world. She is deeply passionate about preserving the environment for her grandchildren and the next 7 generations as is her traditional beliefs.

Norma Herrera coordinates a grassroots coalition working to stop border wall construction in the Rio Grande Valley and supports efforts to free people from ICE detention. Her work includes building a base of directly impacted communities to organize against punitive government policies that cause harm and criminalize migration. She supports policy research, campaign strategy, coalition building and leadership development. She has a master's degree in public policy.

Patricia Rubio is a native of the Rio Grande Valley and a lifelong learner firmly rooted in her Rio Grande Valley heritage. Her experience as an interpretive naturalist and environmental educator helps unite people with nature and foster deep connections with Indigenous flora and fauna of the Rio Grande Valley.

J Keil Burnell is a third generation shrimper and small business owner from Brownsville, TX. J. Keil has been one that always loved the Gulf of Mexico. J Keil's first trip was an actual shrimper was at the age of eleven. He worked most summers as a deckhand on whichever boat, on his families shrimp boats, that needed a deckhand. After time, he ended up as captain for 12 years in his late 30s to early 40s. Now, having a family of his own, he still works with the family business managing the boats and selling local seafood out of their little store Shrimp Outlet.

Eduardo Canales, born in Corpus Christi, Texas of migrant farm worker parents. Eddie attended the University of Houston, where he began his political organizing career with involvement in MAYO and La Raza Unida Party. He has served the social and economic justice movements in many capacities, including serving on the Congreso de Aztlan representing Texas, the Texas Farmworkers, the Longshoremens, SEIU and Director Centro Aztlan de Servicios Sociales in Houston, Texas, where he was a founder and the Director for ten years. Eduardo was an organizer for SEIU in Colorado, under the banner of Justice for Janitors. In New Mexico, Eastern Washington, Montana, Idaho, Texas and Wyoming, Eddie worked as a lead organizer and Director of Organizing for the United International Brotherhood of Carpenters. Throughout his organizing career, Eduardo has been an advocate for human rights for immigrants, serving as Chairperson on the Board of Directors of the National Network for Immigrant and Refugee Rights. Presently, Eduardo is the Director and Lead Organizer of the South Texas Human Rights Center, advocating for the prevention of migrant deaths in the Texas-Mexico border, and he is an original organizer of the Corpus Christi Immigration Coalition.

Eric Reed has been in Practice in American Indian Law, Tribal Law, International Indigenous Rights, Corporate/Business, and Criminal Trial, Criminal Appellate Law and Environmental Law. He represented the Cheyenne River Sioux Tribe as a tribal attorney and Special Assistant US Attorney/Tribal Prosecutor. Reed was Special Consultant in the investigation of the killing of a sacred white buffalo calf Lightning Medicine Cloud and mother in Hunt Co., Texas, and he was the Independent Legal Consultant on Baby Veronica, Dollar General case, Tribal Sovereignty and No DAPL cases. Reed advises Corporations, NGOs and nonprofits on international indigenous rights and legal issues. He is a lecturer at the University of Texas Dallas on Native Issues, and on the Southern Methodist University Commission on Indigenous Studies. Eric Reed is an enrolled Member of the Choctaw Nation of Oklahoma.

Amy R. Juan is a daughter of the Tohono O'odham (Desert People) Nation of Southwest Arizona. She is a former Miss Tohono O'odham Nation, High School Culture and Language Teacher, Farmer of Traditional Foods and Youth Advocate. She graduated from Tohono O'odham Community College and has helped establish its now one-year-old Borderland Studies Program. She is a founding member of the Tohono O'odham Hemajkam Rights Network, a grassroots collective advocating for O'odham Rights and Freedom of Movement across borders, as well as calling for an end to militarization of border communities and protection of O'odham Lands and tribal members in Mexico, a member of the Indigenous Food Knowledge Network Steering Committee, and Advisor for the I'iolgam Youth Alliance. She is the CEO of Sovereign Remedies, which specializes in trainings for Restorative Justice Practices, Traditional O'odham Food and Medicine Education and Youth Led Organizing and Leadership. Amy currently works for the International Indian Treaty Council, an Indigenous-led organization which works to promote and strengthen Food Sovereignty, Treaty and Standard Setting, Environmental Health and the Defense of Human Rights.

Dr. Russell Skowronek is professor of anthropology and history at the University of Texas Rio Grande Valley where he also holds the Houston Endowment Chair for Civic Engagement. Skowronek is the founding director of the Community Historical Archaeology Project with Schools (CHAPS) Program and serves as the Associate Dean for Faculty Research and Diversity in the College of Liberal Arts at UTRGV. He specializes in the archaeology and ethnohistory of prehistoric and colonial era North America. Over the course of his 47 year career he has been the author and co-author of dozens of articles, book chapters, and reports, and the co-author or editor of ten books on the topics of pirates, the Royal Navy, Spanish colonial California, the Civil War in the Rio Grande Valley, and the Native Peoples of the Rio Grande Valley. Over the course of his career he has worked with the Ohlone People of the San Francisco Bay Area, and the Lipan Apache in South Texas. The CHAPS Program spearheaded the creation of the Rio Grande Valley Civil War Trail. Skowronek and the CHAPS Program Team are currently developing a new initiative titled, Ancient Landscapes of South Texas- at the Nexus of Cultural and Natural History.

Colette Pichon-Battle is the founder and Executive Director of the Gulf Coast Center for Law & Policy. She develops programming focused on Equitable Disaster Recovery, Global Migration, Community Economic Development, Climate Justice and Energy Democracy. She was a lead coordinator for Gulf South Rising 2015- a regional initiative around climate justice and just transition in the South. In addition to developing advocacy initiatives that intersect with race, systems of power and ecology, Colette manages GCCLP's legal services in immigration and disaster law. In 2019, Colette was named an Obama Fellow for her work with Black and Native communities on the frontline of climate change. Under Colette's leadership, the Gulf Coast Center for Law & Policy co-chairs the national Water Equity and Climate Resilient Caucus with PolicyLink and anchors the five-state, multi issue initiative - Gulf South for a Green New Deal.

Nellie Jo David, Tohono O'odham, Hia'Ced O'odham. Nellie works to strengthen indigenous rights and autonomy on the imposed U.S./Mexico borderlands intersecting the Tohono O'odham Nation. Nellie is co-founder of the O'odham Anti Border Collective, a grassroots group dedicated to maintaining connections despite colonial barriers. She is from Ajo, Arizona, traditionally Hia-Ced O'odham territory, just West of the Tohono O'odham reservation, North of Mexico. Nellie was inspired to raise awareness on border issues upon witnessing the increased militarization of her community. Nellie obtained her J.D. with a certificate in indigenous law and policy from Michigan State University in 2014. She is currently working on her SJD at the University of Arizona IPLP Program.

Christa Mancias is the leader of both the Women's Council and the Youth Council of the Carrizo Comecrudo Tribe of Texas. Christa serves as the Tribal Secretary of the Carrizo Comecrudo Tribe of Texas. It is also her birthright to become the future Tribal Chair, returning the Tribe to its original matriarchal leadership for the first time in many decades.

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PARTNERS

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Carrizo Comecrudo Tribe

Gulf Coast Center for Law and Policy

Texas Unitarian Universalist Justice Ministry

Texas Environmental Justice Advocacy Services

Equal Voice for American Families

Texas Organizing Project

Friends of the Earth

Earthworks

Richmond Indigenous Society

Sierra Club

Unitarian Universalist Ministry for Earth

American Indian Movement

Center for Biological Diversity

Society of Native Nations



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SOURCES

Aguilar, Julian. Trump Administration Waives Federal Regulations to Expedite Border Construction in Rio Grande Valley, The Texas Tribune <https://www.texastribune.org/2020/07/17/trump-border-wall-texas/>

Anderson, A. E. 1932, Artifacts of the Rio Grande Delta Region. Bulletin of the Texas Archeology and Paleontology Society 4: 29-31.

Bussiere, Lauren. the AE Anderson Collection by Nadya Prociuk, The Texas Archeological Research Laboratory (March 27, 2018), <https://sites.utexas.edu/tarl/2018/03/27/the-a-e-anderson-collection-by-nadya-prociuk/>

Fragoso, Alejandro Dávila. Defending the Border Lands From Trump's Wall, Earthjustice: Our Stories (Jul. 5, 2019), <https://earthjustice.org/blog/2019-july/defending-the-border-lands-from-trump-s-wall>

National register of Historic Places, Cameron county Texas (last visited July 30, 2020), <http://www.nationalregisterofhistoricplaces.com/tx/cameron/state.html>.

Stanyard, William F., Thomas, Larissa A., McKee, Larry, 2016, Survey Report Texas LNG Project Cameron County Texas, Research Design for Data Recovery Investigations at 41CF8 (August) Revised Draft. Prepared by ERM Group company Atlanta, submitted to Texas LNG, LLC, Houston, Texas.

Sovereign Bodies Institute, Zuya Winyan Wicayuonihan Honoring Warrior Women (Dec. 2019), https://2a840442-f49a-45b0-b1a1-7531a7cd3d30.filesusr.com/ugd/6b33f7_27835308ecc84e5aae8ffbdb7f20403c.pdf;

Texas Beyond History, Brownsville-Barril (October 1, 2020), <https://www.texasbeyondhistory.net/brownsville/index.html>.

University of Texas Rio Grande Valley, Community Historical Archaeology Project with Schools (last visited Jul. 31, 2020), <https://www.utrgv.edu/chaps/>

US Census Bureau, QuickFacts: Cameron County, Texas. <https://www.census.gov/quickfacts/fact/table/cameroncountytexas/PST045219>; U.S. Census

US Bureau, Dashboard, Texas Counties. <https://www.census.gov/quickfacts/fact/dashboard/TX/IPE120218#IPE120218>

ADDENDUM A

Rights to Survival Protected Rights of People Resolution

Purpose. The purpose of this resolution is to secure and enforce basic rights for all people within the jurisdiction of the Garcia Pasture, including the right to function in an environment free of contamination and/or pollutants in their air, water and soil, rest and shelter oneself from the elements in a non-obstructive manner in public spaces, and to have a right and expectation of privacy and safety of or in one person's personal property.

Basic Rights.

- The right and expectation to breathe clean air free of life threatening contaminates.
- The right and expectation to enjoy soil free of life threatening contaminates.
- The right and expectation to swim, bathe, and consume water free of life threatening contaminates.
- The right and expectation to utilize public spaces free of life threatening debris and foreign contaminates.
- The right and expectation to hunt, fish and gather free from life threatening contaminates that caused defective or mutated wildlife species.
- The right and expectation to protect Native Original People of Texas' sacred lands to prevent contamination, disruption, and removal of historical artifacts.
- The right and expectation of safety and privacy of or in one's person and belongings while occupying public spaces free of life threatening contaminates.
- The right and expectation of safety and privacy of or in one's person and belongings while occupying private property free of life threatening contaminates.
- The right to have the Garcia Pasture enforce and defend this law on the basis that a constitutional right of initiative, which is an expression of local community self-government, exists.

Definitions.

- **"Public"** space means any outdoor property that is owned or leased, in whole or in part, by the Garcia Pasture and is accessible to the public, or any city property upon which there is an easement for public use.
- **"Pollutants"** means a substance or energy introduced into the environment that has undesired effects, or adversely affects the usefulness of a resource. Pollutants can be but not limited to include elements, molecules and particles involved in pollution. Pollutants can be introduced into the environment both by humans and naturally.

- **“Contamination”** means the presence of a constituent, impurity, or some other undesirable element that spoils, corrupts, infects, makes unfit, or makes inferior material, physical body, natural environment, workplace and/or home space.
- **“Non-Obstructive Manner”** means not causing or characterized by obstruction of the body such as breathing, consuming and absorbing foreign substances that prevent normal healthy bodily functions.
- **“Privacy”** means the ability of an individual or group to seclude themselves, or express themselves selectively.
- **“Safety”** means the state of being free and protected from harm or other non-desirable outcomes within the environment they function.
- **“Hunting”** means the activity of hunting wild animals or game, especially for food or sport.
- **“Fishing”** means the activity of catching fish, either for food or as a sport.
- **“Gathering”** means bring together and take in from scattered places or sources.
- **“Sacred Lands”** means something connected with religion or used in religious ceremonies is described as sacred. You can describe something as sacred when it is regarded as too important to be changed or interfered with.

ADDENDUM B

Texas Waterways Bill of Rights

Rights to Nature. Texas Waterways are an ecosystem of millions of people and 159 rare, threatened, protected and endangered species in Cameron County depend on health, for drinking water and for survival. Texas citizens declare that this ecosystem, which has been damaged for more than a century under countless assaults and ruin due to industrialization. Texas Waterways are in imminent danger, many of which are experiencing irreversible devastation due to continued abuse by people and corporations enabled by reckless government policies, permitting and licensing of activities that create harm, and lack of protective intervention. Often industries are responsible for catastrophic failures without proper follow through leaving the communities with the burden of cleanup. Even more, industry failed to receive consequential reparation in comparison to severe devastation they have caused to the ecosystem, again leaving the communities with the burden. This continued abuse consisting of direct dumping of industrial wastes, desalination, dredging, draining, combined with the effects of global climate change, constitute an immediate emergency.

We the people of the XXX find that this emergency requires a shift in public governance from policies that urge voluntary action, or that merely regulate the amount of harm allowed by law over a given period of time, to adopting laws which prohibit activities that violate fundamental rights which, to date, have gone unprotected by government and suffered the indifference of state-chartered for-profit corporations. The Waterways Bill of Rights was developed to recognize and represent the relationship between people and the waterways. The Waterways Bill of Rights creates a foundation and expectations for waterway protection and legal recourse to industries and people who violate these basic human needs for survival.

Texas waterways provides its communities and wildlife with a wide variety of economic, environmental, nutritional, and recreational resources. The waterways are life giving entities that connect people and nature to serve as the basis for a healthy ecosystem in the communities. The waterways also provide an extensive cultural significance to Texas Original People's lifeways. Communities need protection to continue surviving, living, and caring for the waterways' natural ecosystems since the beginning of creation.

Coexist in harmony. Waterways are essential to sustain all creatures and plant life on Mother Earth. They are often the first indicator of an unhealthy ecosystem and vital in maintaining healthy communities. The condition and quality of our waterways are a direct reflection of the respect and appreciation granted to them by the community.

Texas waterways must be cared for, valued, and protected as an invaluable member of communities. Texas Waterways possess the right to exist, flourish, and naturally evolve. Texas Waterways shall include all natural water features, communities of organisms, soil as well as terrestrial and aquatic sub ecosystems that are part of its natural ecosystem. Flow free. Texas Waterways under natural law should flow free. The waterways should be uninterrupted and uncontaminated allowing for natural migration of fish, mammals, other aquatic species, flora and fauna. All Texas Waterways require space to expand and recede to promote a healthy ecosystem.

Flow at a natural pace. The natural bend, curve and shift of all Texas Waterways, combined with wetlands and plant life should be preserved as part of the natural order that's imperative for a healthy ecosystem.

Flow clean. Texas Waterways should flow free of excessive chemicals, pollution and trash. The waterways should not be routinely used as dumping grounds for chemicals and foreign bodies produced by human and/or industry waste.

Representation. Texas Waterways are not able to self represent. The waterways for decades have been expressing signs of sickness. Texas Waterways Advocates must be appointed to be the waterways voice in recognizing and addressing any threats to the waterways quality and safety.

Access. Texas Waterways are a vital natural resource and should be accessible to all creatures for responsible use.

Carrizo Comecrudo Tribunal for Human Rights

Friday, May 22nd - Saturday, May 23rd, 2020



DAY ONE AGENDA

9:00 am Opening & Grounding

Tribal Members at Somi Se'k

9:30 am Asserting Inherent Rights

Juan Mancias, Tribal Chair of Carrizo Comecrudo; Christa Mancias, Tribal Secretary of Carrizo Comecrudo; and Casey Camp-Hornek, Ponca Nation, Missing & Murdered Indigenous Women

10:00 am Panel One: Establishing the Record of Facts

Christopher Basaldú, PhD, Tribal Member; Tim Dalbey, Archeologist; Eric Reed, Tribal Law Attorney; Bekah Hinojosa, Environmental Organizer; Robert Rowley, Biologist; Vanessa Bolin, Organizer and Linda Black Elk, Ethnobotanist

12:00 pm Women's Dance

Carrizo Comecrudo Tribal Women's Circle

12:30 pm Panel Two: Confluence of Threats: Petrochemical and US Border Wall Buildout on Sacred Indigenous Territory

Casey Camp-Hornek, Ponca Nation, Missing & Murdered Indigenous Women; Nellie Jo David, O'odham Anti-Border Collective; Eddie Canales, South Texas Human Rights Center; Norma Herrera, Equal Voice Network and Amy R. Juan, International Indian Treaty Council

1:45 pm Tribal Song and Closing Statements

Juan Mancias, Tribal Chair of Carrizo Comecrudo Tribe of Texas

DAY TWO AGENDA

10:00 am Opening & Grounding: Connecting the issues to the land of Somi Se'k and the Esto'k Gna

Juan Mancias, Tribal Chair of the Carrizo Comecrudo Tribe of Texas

10:20 am Reading of the Tribunal Opinion

10:35 am Open Forum: Perspectives from Brownsville community members regarding opposition to LNG

11:45 am Open Forum: Statements of Regional and National Allies in opposition of LNG and support of tribe

12:15 pm Open Forum: Perspectives from Carrizo Comecrudo Tribe of Texas Members

1:15 pm Connecting the dots & next steps



Gulf South for a Green New Deal is a five-state formation anchored by the Gulf Coast Center for Law & Policy and connects community organizing, frontline advocacy and policy development towards the creation of a Green New Deal that prioritizes the Gulf South and advances long-existing work towards climate, racial, and economic justice.



