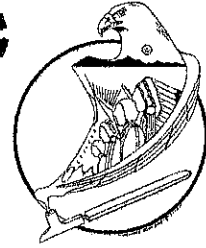




**OGLALA SIOUX TRIBE**  
**Office of the President**

*Bryan V. Brewer*

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DECLARATION NO. 14-01

**DECLARATION OF THE OGLALA SIOUX TRIBE  
INVOKING THE TREATIES OF 1851 AND 1868**

**FOR THE PROTECTION OF CULTURAL, HUNTING, FISHING,  
WATER, AND OTHER USUFRUCTORY RIGHTS IN THE 1851 AND  
1868 TREATY AREAS WITH RESPECT TO THE URANIUM RECOVERY  
LICENSE ISSUED TO AZARGA/POWERTECH URANIUM CORPORATION  
BY THE NUCLEAR REGULATORY COMMISSION**

BY BRYAN V. BREWER, PRESIDENT  
OF THE OGLALA SIOUX TRIBE

THE OGLALA SIOUX TRIBE FINDS:

1. That although the United States was one of the last nations to sign the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), President Barack H. Obama has now signed the UNDRIP on behalf of the United States of America, and
2. That among the indigenous rights acknowledged by the United Nations are the following:

*The General Assembly,*

**Acknowledging** that the Charter of the United Nations; the International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, **AFFIRM THE FUNDAMENTAL IMPORTANCE OF THE RIGHT TO SELF-DETERMINATION OF ALL PEOPLES**, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

**Convinced** that the recognition of the rights of indigenous peoples in this Declaration with enhance harmonious and cooperative relations

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between the State and indigenous peoples, **BASED ON PRINCIPLES OF JUSTICE, DEMOCRACY, RESPECT FOR HUMAN RIGHTS**, non-discrimination and good faith,

**Encouraging** states to comply with and effectively implement ALL THEIR OBLIGATIONS as they apply to indigenous peoples under international instruments **[INCLUDING THE FORT LARAMIE TREATIES OF 1851 AND 1868]**, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

**Recognizing and Reaffirming** that **INDIGENOUS INDIVIDUALS ARE ENTITLED WITHOUT DISCRIMINATION TO ALL HUMAN RIGHTS RECOGNIZED IN INTERNATIONAL LAW**, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

**SOLEMNLy PROCLAIMS** the ... United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in the spirit of partnership and mutual respect;

3. That the Oglala Band is a signatory to the Treaties of 1851 and 1868 with the United States of America
4. That the Treaties of 1851 and 1868 are THE SUPREME LAW OF THE LAND in the United States Constitution
5. That the Congressional Record, Vol. 148, No. 125 discusses the legal standing of Treaties. It states:

Indian treaties stand on essentially the same footing as treaties with foreign nations. Because they are made pursuant to the Constitution, they take precedence over any conflicting State laws by reason of the Supremacy Clause. U.S. Const., Art VI, Sec 2; Worcester v. Georgia, 31 U.S. (6 Pet.) 15 (1832).

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6. That in the Treaties with the Oglala Sioux Tribe, the United States pledged the following:

**TREATY OF 1851 - ARTICLE 3 provides:**

In consideration of the rights and privileges acknowledged in the preceding article, **the United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after the ratification of this treaty.**

**TREATY OF 1868, ARTICLE I provides:**

From this day forward all war between the parties to this agreement shall forever cease. **The government of the United States desires peace, and its honor is hereby pledged to keep it.** The Indians desire peace, and they now pledge their honor to maintain it.

**If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent, and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.**

**TREATY OF 1868, ARTICLE V also provides:**

**The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties**

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enjoined on him by law. **IN ALL CASES OF DEPREDATION ON PERSON OR PROPERTY he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.**

7. That the Oglala Sioux Tribe has usufructory rights to the waters of the Missouri River and its tributaries under Winters v United States, 207 U.S. 564 (1908), which rights extend beyond the reservation boundaries, and
8. That one of the general purposes of the Oglala Sioux Tribal Constitution is **to promote the general welfare of the oyate**, and
9. That by Article XV of the Oglala Sioux Tribal Constitution the Tribal Council and Executive Committee of the Oglala Sioux Tribe **swear to uphold the human rights of the Oglala Lakota oyate and the human rights of other peoples** as recognized in international laws and treaties, including the 1851 and 1868 Fort Laramie treaties and declarations, and
10. That human rights on the Pine Ridge Indian Reservation includes the rights to have safe drinking water, non-contaminated food sources and habitable land where the oyate can continue to live on forever, and
11. That the human rights that the Oglala Lakota Tribal Council swear to uphold includes "the human rights of other peoples", which means the rights of our non-Indian neighbors in South Dakota and Nebraska, with whom we are standing to help fight against the desecration of their land and the pollution of their drinking water by the uranium mining contemplated by the issuance of the uranium recovery license issued to Azarga/Powertech Uranium Corporation by the Nuclear Regulatory Commission;
12. That allowing the Azarga/Powertech Uranium Corporation to cross the treaty lands of the Oglala Sioux Tribe puts our families and their lands; as well as Treaty hunting, fishing and gathering rights at risk of environmental contamination, causing many

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Oglala families sickness and even death because their lands, food sources, water and homes are contaminated, and

13. That none of the tribes hired by Powertech to perform field surveys to identify Oglala cultural resources were familiar with Oglala history, culture, and the trust responsibility of the United States to the Oglala Sioux Tribe under the Fort Laramie Treaties of 1851 and 1868 to protect trust assets. As such, they are not qualified to provide a survey of culturally relevant sites or usufructory rights of the Oglala Sioux Tribe in the Oglala Sioux aboriginal/treaty lands.

14. That the United States, through the Nuclear Regulatory Commission, appears to be willing to allow our lands and our people to be disposable, so that uranium can be mined on our Treaty lands for use in international markets, thereby providing little or nothing to the people of the United States, yet asking our people to take all of the substantial risk of oil uranium, water table, and food source contamination, and

15. That The Tribal Council of the Oglala Sioux Tribe is not willing to take this risk with our families, our ancestral lands, our water, our food sources, or those of our non-Indian neighbors, and

For these reasons, the Oglala Sioux Tribe gives Notice to the United States that we are hereby invoking Article 3 of the Treaty OF 1851 and Articles 1 and 5 of the Treaty of 1868 in DEMANDING THAT PRESIDENT BARACK OBAMA AND THE UNITED STATES HONOR ITS BINDING COMMITMENT TO THE PEOPLE OF THE OGLALA SIOUX TRIBE TO "PROTECT THE AFORESAID INDIAN NATIONS AGAINST THE COMMISSION OF ALL DEPREDATIONS BY THE PEOPLE OF THE SAID UNITED STATES" by staying the issuance of the Uranium Recovery License issued to Azarga/Powertech Uranium Corporation by the Nuclear Regulatory Commission

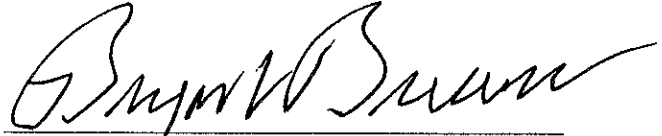
I, BRYAN V. BREWER, hereby give Notice to President Barack Obama and the United States of America that the Oglala Sioux Tribe is invoking Article 3 of the Treaty of 1851 and Articles 1 and 5 of the Treaty of 1868 in demanding the protection of the United States from the imminent threat of contamination and irreparable harm that will result from the issuance of this license, so that the human rights of Oglala Sioux Tribal families, and those of our non-Indian neighbors in South Dakota and Nebraska, to safe drinking water, non-contaminated food

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sources, and habitable conditions on our sacred lands are not violated.

I HEREUNTO SET MY HAND THIS 18<sup>th</sup> DAY OF APRIL, 2014 IN PINE RIDGE,  
SOUTH DAKOTA, ON THE PINE RIDGE INDIAN RESERVATION.



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BRYAN V. BREWER  
PRESIDENT