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Mní Wičóni: Water is Life

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## **Abstract**

While environmentalists have been working tirelessly to push for green energy and make declarations of a climate crisis, pipeline construction and usage continues. As with many of these projects, including Keystone XL, Line 3, and Line 5, the Dakota Access Pipeline is a risk to indigenous autonomy, indigenous lands, and the ecosystems that exist there. The Dakota Access Pipeline transports light sweet crude oil from North Dakota to Illinois. This type of crude oil requires the least amount of refining and produces more gasoline compared to heavy sour crude oil (Andrews, 2020). However, no matter how efficient the type of oil is, the extraction of fossil fuels, its transportation, and its usage still threaten the environment and anyone who lives near the pipelines. Pipelines are a liability to the environments they pass through and, specifically in the case of the Dakota Access Pipeline, people living on the Lakota Great Sioux Standing Rock Reservation. The Dakota Access Pipeline crosses under the Missouri River and Lake Oahe, which is the main water source for those on the reservation. This essay develops a case study about the Stand with Standing Rock campaign, which condemns the construction of the Dakota Access Pipeline and demonstrate how it aligns with the United Nations' Sustainable Development Goals (SDGs). The cohesion of five sections will accomplish this. It is essential to cover background information and a timeline of the main events. The first section will include a brief history of indigenous rights, a history of pipelines and the specific planning procedure for the construction of the Dakota Access Pipeline, the construction timeline, and a timeline of the protests which led to the campaign. The second section will look at the most significant and relevant key variables in the campaign. This will be done by analyzing the movement's foundation, networking, goals, and targets. The third section will be a consensus on the degree of success and the ongoing work. These conclusions will be justified with an explanation of how the campaign was successful, the extent to which it was a failure, and the outcomes and effects of the campaign. The fourth section will look at the specific SDGs that align with the Stand with Standing Rock campaign. This section aims to connect the local goals set by the campaign to the international sustainability goals outlined by the United Nations. Finally, there will be a concluding statement that will encapsulate the purpose of this case study and reiterate the relevance of the Stand with Standing Rock campaign.

#### 1. Background and timeline

This section will set the foundation for later analysis of the Stand with Standing Rock campaign. There are four subsections which will cover indigenous rights and treaties, the track record of pipelines, the construction of the Dakota Access Pipeline, and finally, the development of the Stand with Standing Rock campaign. These subsections will provide context for explaining the relevance and significance of the Stand with Standing Rock campaign.

### 1.1. Historical background of indigenous rights

It is important to have a historical understanding of indigenous rights with a focus on the Great Sioux Nation, which the Dakota Access Pipeline most directly impacts. Since Europeans first set foot in America, indigenous and native peoples have been forcibly and violently moved from their lands and stripped of their cultures. During the 1800s, in an attempt to make peace, the Great Sioux Nation and the United States came to an agreement on borderlines and rights for the native people with the 1851 and 1868 Treaties (Fredericks, 2018). This is significant because these treaties are, in theory, to be acknowledged and respected. However, as will be shown later, they were not considered when construction plans for the Dakota Access Pipeline revealed that the pipeline would go under the main water source for those living in Sioux territory. Indigenous peoples everywhere, not exclusive to the United States, have faced extreme health disparities, poverty, and little regard for their culture and humanity. In response to the discrimination, violence, and disrespect for indigenous groups worldwide, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was written in 2007. While the Declaration is not legally binding, it shows solidarity in recognizing the autonomy and rights of

indigenous peoples (United Nations, 2007). The United States initially opposed its adoption, one of 4 nations to do so, but in 2010 the Obama administration underwent a formal review of the Declaration. This led to President Obama announcing the United States support of the UNDRIP. Article 32, section 2 of the UNDRIP explicits:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. (United Nations, 2007)

The implementation of the UNDRIP is important to note, especially when put next to Obama's statement, "what matters more than words...are actions to match those words," at the second White House Tribal Nations Conference (Laverdure, 2011). During his final months in office, Obama stopped the Dakota Access Pipeline construction; a request immediately reversed when Donald Trump was inaugurated. The initial blocking abided by Article 32 of the UNDRIP, but Trump failed the people of Standing Rock by permitting construction to pick up again. Although the United States still supports the Declaration, the words of former President Obama have not been observed in the case of the Dakota Access Pipeline. The combination of the United States' historical and present negligence of treaties and declarations called for organized protest and advocacy. Hence, the need for a campaign in support of Standing Rock and against the Dakota Access Pipeline.

#### 1.2. Environmental impacts of pipelines

In addition to violating the established rights for indigenous peoples as outlined in the aforementioned treaties and the UNDRIP, the other pressing need for a campaign against the construction of the Dakota Access Pipeline was the damaging track record of all pipelines.

According to data collected from the Pipeline and Hazardous Materials Safety

Administration (PHMSA) of the US Department of Transportation, between 2010 and 2020, the

United States averaged 41,409 barrels of crude oil, petroleum, and biofuel spiller per year from
pipeline incidents (Sönnichen, 2021). While impressive and devastating, this data has more
significance when looked at next to the number of oil and gas pipeline incidents reported within
this same timeframe. The PHMSA recorded an average of 692.7 incidents per year between 2010
and 2020 (Sönnichen, 2021). The criteria for incidents include "events which resulted in injury
or loss of life, release of liquids, or fires and explosions, as well as any other type of damage
requiring repair work," a broad, inclusive definition. This is to say that the number of incidents
does not reflect the severity of the pipeline spills. More specifically, in 2015, there were 712
incidents with 14,787 barrels of spillage, compared to 2016, when there were 632 incidents but a
much greater 60,405 barrels of spillage. It is crucial to note this because a decrease in incidents
does not necessarily correlate to less being spilled.

A factor that plays into the severity of spills is the method of transportation. When comparing railways to pipelines, the previous distinction between the frequency of incidents and the severity of spills becomes more applicable. An advocate for pipelines would argue that there are fewer spills than trains or trucks. However, as displayed previously, this does not show the whole picture. According to the International Energy Agency, "US pipelines spilled three times as much crude oil as trains over an eight-year period," and those spills can be harder to contain once they are found (Gardner, 2016). In other words, pipelines are less likely to spill than trains

or trucks, but when they do, the outcomes are often much more disastrous. The conclusion to be made here, though, is not that trains are the preferred method of transportation for crude oil. The greater argument is that reliance on fossil fuels needs to be phased out, starting with shutting down pipelines. All of this points to the environmental impact of pipelines and shows how devastating a spill could be to indigenous land.

The environmental impacts of a pipeline spill can be disastrous. According to Dr. Diane Orihel of Queens University in Kingston, Ontario, Canada, "In the days following a spill, oil exposure can cause acute toxicity in wildlife from oil ingestion, inhalation, smothering, drowning or hypothermia. However, scientists now know that the ecological impacts of oil spills can be far more wide-reaching and persist for decades after the spill," (Sainato, 2022). The short- and long-term effects of an oil spill are harmful to the ecosystems in the area, but also the people. There are health implications associated with exposure to crude oil and its fumes, including "respiratory issues; irritation of skin, eyes, nose, throat; chest pain; cardiovascular disease; gastrointestinal complaints; headaches, dizziness, fatigue, memory issues; and abnormal blood cell counts and liver and kidney function tests," (Sandifier et al., 2021).

Connecting this to the Dakota Access Pipeline, it is important to look at the extent to which this data holds for Energy Transfer Partners (ETP), the company that owns and operates the Dakota Access Pipeline. According to an international network of campaign organizations called Greenpeace, ETP, Sunoco, and its collaborators had 527 incidents between 2002 and 2017, seven of which were from the Dakota Access Pipeline just in 2017 (Greenpeace USA, 2018). These 527 spills released 88,273 barrels of hazardous liquids, and over half were from crude oil (Greenpeace USA, 2018). This is very damning for ETP and does not make a very promising

case for the continued use of the Dakota Access Pipeline and further legitimizes the concerns voiced by those opposing its use.

#### 1.3. Construction of the Dakota Access Pipeline

With the risk of larger and more damaging spills from pipelines in mind, the focus can now be shifted to the proposed and actual construction paths for the Dakota Access Pipeline. In its original proposal, the pipeline would cross the Missouri River at a point north of Bismark, North Dakota. ETP had difficulty meeting safety standards regarding the pipeline's proximity to homes, and residents complained about environmental and health impacts in the case of a spill. These were enough to push the pipeline downstream and change its path (Thorbecke, 2016). The new path for the Dakota Access Pipeline is just upstream from the Great Sioux Standing Rock Reservation, whose population is 78% indigenous and "one of the lowest-income communities in the country," (White, 2021). The reroute did not fix any problems with threats to health or water sources; it simply moved from a populous, white region to one that already faces social, economic, and political hardships. Those living on the Standing Rock Reservation expected to have the same precautions considered for them but instead saw the Army Corps of Engineers determine that the project would not significantly impact the environment. Below is a condensed timeline of the construction of the Dakota Access Pipeline and its use:

**December 2014:** ETP submits a proposal to the federal government to build the Dakota Access Pipeline with its path near the Standing Rock reservation.

**July 2016:** Pipeline sections to cross under the Missouri River and Lake Oahe are approved by the US Army Corps of Engineering.

**September 2016:** The Obama administration orders a block of the construction of the Dakota Access Pipeline.

**December 2016:** Construction is halted while it undergoes an environmental review.

**January 2017:** President Donald Trump reverses the block and expedites the review and approval process for construction.

February 2017: Construction under Lake Oahe begins.

March 2017: Two leaks are reported, totaling more than 100 gallons of oil.

**April 2017:** In South and North Dakota, leaks in the pipeline are reported.

**June 2017:** Construction has finished, and oil is flowing through the full length of the pipeline.

**June/July 2019:** ETP plans to increase pipeline capacity from 500,000 to 1.1 million barrels per day.

**July 2020:** A federal judge orders the Dakota Access Pipeline to be temporarily shut down and for all oil to be removed from the pipeline during an environmental review.

**July 2020:** ETP continues to use the pipeline while seeking relief from the order to shut it down during the review.

**May 2021:** The Biden administration allows the pipeline to flow while a court-ordered Environmental Issue Statement is being completed.

This shows a glimpse of the back-and-forth approval and opposition around the Dakota Access Pipeline, even after its construction had been completed (Kickingwoman, 2020; EcoWatch, 2017; EELP, 2022).

### 1.4. Development of the Stand with Standing Rock campaign

The history of discrimination against indigenous peoples and groups, the predicted negative environmental impacts of installing a pipeline, and the constant snaking around accountability called for protests and a more established campaign. The timeline of the protests against the Dakota Access Pipeline started at the same time as its construction. Protestors included indigenous peoples, non-native allies, environmentalists, politicians, and others. Below is a condensed timeline of the first year of protests and the Stand with Standing Rock campaign (Thorbecke, 2016; Wong, 2016; Nauman, 2020; NCAI, 2016; Javier, 2016):

**July 2016:** The Standing Rock attorney filed a legal complaint against the US Army Corps of Engineers and pressed charges against Dakota Access for the pipeline.

July 2016: Protests and organizers set up near the Standing Rock reservation.

**August 2016:** The United Nations Permanent Forum on Indigenous Issues voices its support for the tribe.

**August 2016:** The National Congress of American Indians (NCAI) announces its support for the Standing Rock Sioux Tribe.

**August 2016:** Protester Happi Americanhorse locked himself to equipment, stopping construction that day.

**September 2016:** The first violent interaction between private pipeline property security and protesters.

**September 2016:** The NCAI announces that it will continue to support the Stand with Standing Rock campaign.

**September 2016:** Between 7,000 and 10,000 protesters are staying at camps.

**September 2016:** The Black Lives Matter campaign joins the movement.

**October 2016:** Protesters were removed from private land; pepper spray, tear gas, and a sound cannon were used during this altercation, and 141 arrests were made.

**November 2016:** Water cannons were used against protesters who reportedly lit fires on and near a bridge.

Support for the Stand with Standing Rock campaign spread across the country and even internationally, as the UN offered its support. Small yet powerful pockets of support sprung up in many cities, including but not limited to Denver, Colorado; Seattle, Washington; Minneapolis, Minnesota; Chicago, Illinois; Los Angeles, California; and Manhattan, New York (Goodman, 2016). The breadth of the alliance for the Stand with Standing Rock campaign just within the first year is impressive and calls for a discussion about its inner workings of it.

The background on the issues involving violations of indigenous rights, the history of pipelines, the specifics of the Dakota Access Pipeline construction and its controversy, the timeline of protests, and the establishment of a campaign bring this section to a close. Section 1 validates the need for a campaign against the Dakota Access Pipeline, specifically its crossing into the main water source for Standing Rock territory and passing under Lake Oahe.

### 2. Key variables for the campaign

The second section of this case study aims to identify the most significant and relevant variables in the Stand with Standing Rock campaign. First will be a look at the foundation and networks, followed by a list of the goals, and finally, the targets. This section is crucial to explore before explaining the degree of success or failure of this campaign that will be considered in Section 3.

A primary issue with the Dakota Access Pipeline is the "continuation of colonialism through its dispossession of indigenous lands," as explained by Navajo scholar Andrew Curley (Grossman, 2021). Thus, the Stand with Standing Rock campaign aimed to protect the water source and land that was used by the Great Sioux tribe. This connects to the background Section 1 regarding the lack of recognition and compliance with past treaties.

To start will be a look at the inside of the campaign. This includes organization tactics, an emphasis on nonviolence, and learning about the roles of allies. From an organizational standpoint, protesters stayed for many months at camps that were intentionally placed between the Standing Rock reservation and as close to the construction site as they deemed necessary. For

energy, they burned wood and set up solar panels, keeping sustainability at the forefront of everyone's minds (Fallon, 2016). Those in the Standing Rock protests held their ground and refused to move away from the construction or be pushed back by security and police forces.

While stationed there, protesters took part in nonviolent direct action. Though they were confronted by armed police who deployed tear gas, rubber bullets, and water cannons, the people at Standing Rock continued to pray, sing, dance, and chant to be a voice for the water they were protecting (Green, 2022). The role of allies, as described by the elders, is one of support, not leaders (Fallon, 2016). This was crucial to establish to ensure that the protests and actions taken were respectful to the native leaders; it was not the guests' place to lead or change the methods of the peaceful protests.

The Stand with Standing Rock campaign targets the government and the companies involved in the construction and usage of the Dakota Access Pipeline, with a subsequent target being the general public. The government is the entity that creates and enforces laws meant to protect and serve its constituents. It is not doing its job justly by not upholding treaties and allowing construction permits to be expedited. The companies in charge of construction are also targets for the campaign because they prioritize profit in the fossil fuel industry, which should be phased out. The general public has been made targets to round up support for the campaign and to educate people about the environmental and cultural injustices being committed.

### 3. Appraisal and justification

The following section of this case study will use the information from Sections 1 and 2 to dissect the success of the Stand with Standing Rock campaign and provide a justification for this appraisal. First will look at how it was successful, then what made it a failure or weak, and finally, weigh those against each other to determine the overall level of success. This will be done by looking at the messaging of the campaign.

### 3.1. Successes of the campaign

This campaign's messaging and framing used information, symbolism, and accountability politics to gain traction and credibility. Information politics is the monitoring, publicizing, and enforcing of laws, treaties, and human rights abuses, and this work is then shared with a greater public. Exposing ETP and the government for not enforcing past treaties nor the UNDRIP have been successful examples of using information politics. Symbolic politics is capitalizing on events that represent the campaign. This was accomplished by explaining that the pipeline's construction under Lake Oahe is a threat to their water supply and reiterating that water is culturally significant because "water is life. Mní Wičóni," according to Great Sioux Nation (Weston, 2017). Also, the persistence of nonviolent protests symbolized the good nature of those involved. The ability to remain peaceful in the face of police brutality was a tremendous strength because nonviolent campaigns can "catch the attention of millions," just as this one did (Lakey, 2017). One study found that "Over the past decade, 30 percent of nonviolent campaigns have succeeded," compared to 12 percent of violent campaigns (Heidewald, 2017). It is worth noting that because although organizers faced many difficulties, they remained peaceful and followed

the method more likely to have successful outcomes. For the Stand with Standing Rock campaign to have held its place peacefully for so long is a key variable in its success.

Accountability politics takes place when the government agrees to commit to a standard, policy, or review. When the US Army Corps of Engineers was ordered to undergo a more extensive and thorough review of the pipeline's potential environmental impacts, they were held to a higher standard (EELP, 2017). Though the results are not yet available, this progressed the campaign's goals of targeting the government to take action against the Dakota Access Pipeline.

### 3.2. Weaknesses of the campaign

The many successes of the Stand with Standing Rock campaign described above were well-deserved but did not come without failures and setbacks. The most pressing and obvious failure is the continued use of the Dakota Access Pipeline despite it being under review for risk of spills. ETP has many operations, and there are other pipelines across the country Considering that \$3.78 billion has been invested in this project, it is hard to financially justify putting an end to its use so soon after construction had finished (Dakota Access, 2015). ETP is doing as much as it can to avoid accountability and has managed to be permitted to continue operating while reviews are being conducted. This includes lawsuits, pleas, and propaganda in support of pipelines claiming that they are safe (Singh et al., 2020; Greenpeace, 2017).

Information politics has also weakened their outreach in the media to some extent. Using data and statistics can be a helpful way to spread information in the form of charts and graphs, assuming the audience can decipher their significance of them. Stating the number of barrels that

have spilled or the number of incidents that have occurred does not mean much if there is no comparison or thorough description. Data is only as good as people's interpretation of it, and unfortunately, most people are not well-versed in statistics. When news sources rely on this type of information rather than the cultural and symbolic factors associated with the campaign, they do not reach their entire audience. To the same point, if an audience does not know or care to know the history of negligence for indigenous rights and the way culture has been stripped from them, it is not easy to use compassion in order to encourage people to join the campaign.

### 3.3. Final assessment of the campaign

With the successes and limitations of the campaign in mind, a conclusion of sorts can be made and justified. Because the campaign is still running and the spill risk and environmental reviews still need to be finished, it is difficult to say if the Stand with Standing Rock campaign has been wholly a success or failure.

It could be argued that until the pipeline's expansion and usage stop, the campaign has been a failure. It could also be argued that the sheer longevity of the campaign and the perseverance of those involved have been greatly successful in gathering national support, educating the public about this issue, and bringing hope that progress is possible. To take this campaign at face value may lead to the former conclusion, seeing that 750,000 barrels of oil are still flowing each day, but to do that would be to ignore the main goal: stop colonialism and the dispossession of indigenous lands and resources. The opinion of this case study holds that the campaign has been successful. This judgment is made with the tragic past of indigenous peoples and the track record of pipelines in mind. To have held a position against government standards

and a multi-billion-dollar company for this long is not an easy task or something to take lightly.

This could be a precedent for future pipeline projects to stop before the shovel hits the ground.

#### 4. Sustainable Development Goals of the United Nations

The Stand with Standing Rock campaign has proved to be impressive and immovable. What helps to cement this campaign's motives in good standing, is its alignment with the SDGs outlined by the United Nations. The SDGs are 17 goals adopted in 2015 in an "urgent call for action...in global partnership" to combat climate change. Specifically, the Stand with Standing Rock campaign adheres to goals 13 and 16, which mean to "take urgent action to combat climate change and its impacts" and "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels", respectively (United Nations, 2022).

#### 4.1. Take urgent action to combat climate change and its impacts

The Stand with Standing Rock campaign aligns with SDG 13, which focuses on taking action to negate the effects of climate change. Although the campaign was targeted toward protecting indigenous rights and lands, its reach includes mitigating the effects of climate change. Pipelines are notorious for destroying the ecosystems they run through when spills inevitably occur. The fossil fuels they transport emit dangerous levels of carbon when burned to produce energy, and these emissions contribute greatly to climate change. Climate change goes beyond the environment; it also greatly impacts people and their livelihoods. There are ways in

which communities without financial or political leverage can get steamrolled and taken advantage of by the fossil fuel industry.

Global warming occurs partly because of excess greenhouse gases in the atmosphere. Greenhouse gases keep heat from the sun close to the earth's surface and are important in moderation. However, when these gasses are in excess, they cannot be absorbed by the ocean or plants at the rate required to maintain a stable temperature. When this happens, the greenhouse gasses trap too much heat in the earth's atmosphere and cause a rising temperature. Carbon dioxide is a greenhouse gas crucial for regulating the earth's temperature, but human activities have increased these emissions and are contributing to climate change. As of 2020, the combustion of carbon dioxide from burning fossil fuels made up 72.6% of the total greenhouse gas emissions in the United States (EIA, 2022). By condemning the construction and usage of the Dakota Access Pipeline, the Stand with Standing Rock campaign is also taking a stance against climate change and the fossil fuel industry.

It must be taken into consideration that developed and wealthy countries disproportionately produce more carbon emissions than developing countries, and this occurrence is seen intra- and internationally. From an international standpoint, there is a stark difference between the carbon emissions from oil in high-income and low-income countries. As of 2021, in high-income countries, their annual production-based emissions of carbon dioxide from oil were 44.275% of the global production-based emissions for that year. In comparison, low-income countries contributed 0.945% of the global production-based emissions of carbon dioxide from oil (Edouard, 2020). When the effects of global warming reach the countries that have contributed the least, the aftermath can be devastating. A low-income country is less likely

to have the resources to rebuild after flooding, drought, or other natural disasters that are becoming stronger and more frequent because of global warming.

The same problem exists within countries, as minority communities may not have adequate leverage to prevent destructive projects. The Stand with Standing Rock campaign is an excellent example of this. Organizers knew that a pipeline would disrupt the environment. In the event of an oil spill, the Lakota Great Sioux Standing Rock could have contaminated water, so they came together to advocate for the land and its people. This campaign is exemplary for SDG 13 because of its stance in favor of protecting the environment and efforts to prevent destruction that would harm the people downstream from the pipeline.

4.2. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels

The Stand with Standing Rock campaign also supports SDG 16's aims, which focus on keeping systems and societies just. The campaign and its supporters do an excellent job of exposing ETP for prioritizing profits over treaties and evading thorough checks on the pipeline's construction and liabilities. A society that takes into consideration the land and people that a construction project could negatively impact is a society that is inclusive and holds businesses accountable.

As mentioned in Section 1, the United States observes the UNDRIP but has proven hypocritical and swayed away from abiding by it. It is worth noting that this campaign corresponds with two projects from the United Nations. It is completely warranted, by the

standards of the UNDRIP and SDG 16, that advocates for indigenous rights, land and water protectors, and condemners of fossil fuels have built a platform to stop the usage of the Dakota Access Pipeline.

#### 5. Conclusion

The purpose of this essay was to introduce the Stand with Standing Rock campaign and its significance in a society where there is money in fossil fuels and in the context of a country with a history of disregarding indigenous people and their land. The Dakota Access Pipeline pushes an agenda that there is still a need for fossil fuels when their transportation and usage have been shown time and again to have disastrous effects on the environment. In addition to having relevance in the United States, the Stand with Standing Rock campaign also fits into the international framework set by the United Nations to build a world that takes direct action to mitigate the effects of global warming and create a society of inclusion, respect, and justice. The resilience of organizers in the face of violence and their successes in legal conflict is remarkable and will serve as a beacon of hope for future protests against pipelines.

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