



TREATY COUNCIL NEWS

NEWSLETTER OF
THE INTERNATIONAL INDIAN TREATY COUNCIL
54 MINT ST. #400 SAN FRANCISCO, CA 94103

SPRING 1996

MAORI NATION OF WHAINGAROA DECLARES INDEPENDENCE



"I'm not sad for the future because I can look ahead and see clear skies. These countries, these colonizers will have to realize the sins they have committed upon the Native Peoples. The tears the Native Peoples have shed will never dry until they are free!"

*Tua Iwa Hautai/Eva Rickard
Waikato, Maori Nation
Independent State of Whaingaroa
Aotearoa February 12, 1996*

photo: Tau Iwa Hautai/Eva Rickard

On February 11, 1996 the Maori of Waikato Whaingaroa, led by traditional elder Tua Iwa Hautai (known in English as Eva Rickard), declared its independence from the government of New Zealand (complete text on p.2).

The 3-day Independence gathering was attended by Maoris from throughout New Zealand as well as international supporters including the Aborigines of Australia and representatives of the International Indian Treaty Council. The Declaration culminated a struggle of many years by the Whaingaroa community to reclaim its jurisdiction as a sovereign People over its traditional land and resources.

The land base of Whaingaroa marai (village) totalling 75 acres, was confiscated and the village destroyed during World War II to provide the New Zealand government with an airplane landing strip. After the war, the promised return of the airstrip to the original occupants did not occur. Instead the land was converted into a municipal golf course, over the protests of the Maori community now left landless.

In 1976, 18 people including Mrs. Rickard were arrested occupying the golf course, reclaiming it as their traditional land. The land was eventually returned to the Village (Marai), but its original status as a sovereign People was not reinstated or respected by the Government of New Zealand.

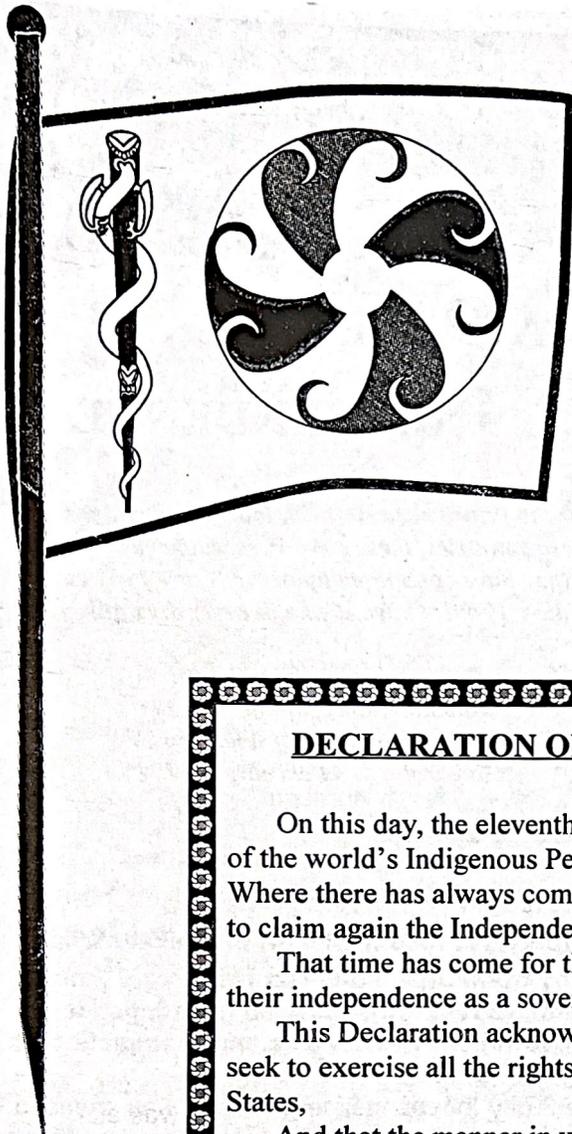
Mrs. Rickard is a direct descendent of one of the original Maori chiefs who signed the Tiriti o Waitangi, the Treaty of Waitangi, which was signed by the British Crown and Maori Chiefs in 1840. In her correspondence with

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SOVEREIGN DINEH NATION REJECTS "PROPOSED THIRD ACCOMODATION AGREEMENT" PROPOSE ALTERNATIVE

"...the Agreement represents a policy of racist discrimination on our land, culture and religion...our religious concerns regarding sacred sites, water, burial and other issues are NOT resolved...we want a Negotiated Settlement of this dispute which allows us to freely practice our Religion..."

On January 29th, 1996 Sovereign Dineh Nation community representatives released a position statement firmly rejecting the terms of the proposed Third Accomodation Agreement. The Sovereign Dineh Nation cited concerns regarding broken promises made by the U.S., Hopi and Navajo governments; the lack of protection of Traditional Cultural Property; and the continued denial of Religious Freedoms. The Sovereign Dineh Nation is calling for a negotiated permanent resolution that would repeal the 1974 Relocation Act (PL 93-531). (see *Alternative Proposal* excerpt p.18)



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the government of New Zealand as well as the Queen of England, Eva Rickard has called for the Treaty to be honored, and for the return of the 66 million acres of land as well as the resources and sovereignty rights guaranteed to the Maori Nation by Treaty.

The Maori of Waikato, Whairangaroa made their stand for independence after many years of attempting, with few results, to seek just redress for the violations of their Treaty and their right to Self-determination with the government of New Zealand.

DECLARATION OF INDEPENDENCE OF WHAINGAROA

On this day, the eleventh of February 1996, we remember the struggles of the world's Indigenous Peoples against the injustices of colonization. Where there has always come a time when they have exercised their rights to claim again the Independence taken from them.

That time has come for the people of Whaingaroa, who accordingly declare their independence as a sovereign state.

This Declaration acknowledges that the people of Whaingaroa will henceforth seek to exercise all the rights, privileges and duties which vest in Independence States,

And that the manner in which we choose to exercise such rights shall be sourced in the tikanga and historical practices of our tupuna,

To claim those rights is to exercise in its fullest sense the tino rangatiratanga of our people and to reclaim without restriction the Mana Maori Motuhake mai ra ano.

To effectively exercise that authority, is to accept a burdensome but spiritual obligation which we do with both humility and pride,

To maintain our rights to do so is to reject the authority of those who continue to deny us that right and to free ourselves from the tyranny of colonial dispossession,

As part of our independent authority, we offer to treat and negotiate with other states and peoples of goodwill, especially the nations of our Indigenous brothers and sisters,

In rejecting the authority of the colonial state of New Zealand as represented by the Parliament and institutions of the Crown we nevertheless offer dialogue and future inter-relationships which we may henceforth deem to be in our national interest,

Most particularly we declare our intention to establish protocol for our future relationships with Iwi and Hapu through out the motu in the spirit of equality and whakapape.

And so we call upon those present today and those beyond that this Declaration be elevated and acknowledged as the expression of the wish for freedom which it so clearly is.

A MESSAGE TO OUR MEMBERS, SUBSCRIBERS AND FRIENDS:

We greet you once again at the end of another year's cycle with best wishes for you and your families, and for the continued success of your many endeavors.

As we face the year ahead, our work is at a critical juncture facing many new challenges. After many years of effort, historic opportunities have opened up for Indigenous Peoples to make our voices heard. We are now able to positively impact our grass-roots struggles through greater international participation in the U.N.'s **International Decade of the World's Indigenous Peoples** which began this year.

Effective and consistent participation by the IITC's growing number of skilled Indigenous representatives insures that such developments will result in unprecedented advancements affecting not only the lives of Indigenous Peoples, but the building of a more just and sustainable world for all.

However, we still have far to go in insuring full participation by traditional Indigenous Peoples in critical international decision-making processes. We must make sure that traditional Indigenous perspectives and world-view are taken into full consideration in the development of international policies pertaining to key survival issues such as the environment, biological ethics, self-determination and cultural survival.

In 1996, IITC will build upon the accomplishments of the past year to insure the effective continuation of our international work for the rights and recognition of Indigenous Peoples. IITC will therefore continue its focus on several key program areas, including:

- * **The Mentorship Leadership Development Program** to train 20-25 new grass-roots indigenous representatives for participation in international forums over the next 2 years

- * **Establishment of an Indigenous Task Force** for formal input into an international policy on biological ethics and sustainable development, including our opposition to harvesting and patenting of Indigenous Peoples' genetic materials and the piracy of traditional plant knowledge.

- * **Participation in the final adoption and implementation by the United Nations of the Draft Declaration on the Rights of Indigenous Peoples**

- * **Monitoring the Plan of Action for the International Decade of the Worlds' Indigenous Peoples**, based on a new partnership between Indigenous and non-Indigenous Nations to solve critical issues such as land claims, cultural rights and the environment.

- * **The Nuclear Contamination Research Project** which documents and presents internationally the effects of Nuclear contamination on indigenous-

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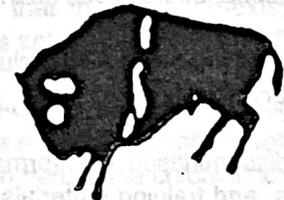
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UPDATE: THE U.N. TREATY STUDY DEADLINE EXTENDED ONE YEAR

In 1992, the IITC initiated a project to build awareness and participation by Indigenous Peoples in "the **United Nations Study on Treaties, Agreements and other Constructive Arrangements between Indigenous Populations and States**".

This Study provides an historic opportunity for Indigenous Peoples to have direct input into a comprehensive study of our historic and current relationships with Nation-states, as well as the international legal standing of the Treaties and Agreements we have made with colonial governments. The Study is open to Treaty Nations as well Indigenous Peoples who have never made Treaties or agreements

with any colonial government.

IITC believes that the potential of the U.N. Treaty Study is unprecedented, as it impacts many issues critical to Indigenous Peoples' rights and survival. These include sovereignty, aboriginal title, land rights, jurisdiction over natural resources, and freedom of culture and religion. The Special Rapporteur for the Study, Miguel Alfonso Martinez, is committed to hearing directly from traditional Indigenous Peoples and communities, and has visited many since the Study was initiated in 1988.

Previously, April 1996 was designated as the final opportunity to submit documentation for the Study's final report

scheduled to be presented in August 1996. However, at Dr. Martinez' request, the Subcommission for the Prevention of Discrimination and Protection of Minorities passed a resolution in August 1995 calling upon the Commission of Human Rights to extend the Study one additional year with the approval of ECOSOC, in order to enable participation by more Indigenous communities.

The CHR did adopt this resolution when it met March - April 1996. The deadline for submitting information is now extended an additional year. The Rapporteur's next report, scheduled for August 1996, will be

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IITC LAUNCHES 2-YEAR MENTORSHIP TRAINING PROJECT



As an NGO with United Nations Consultative Status since 1977, the IITC is committed to building full, informed and effective participation by Indigenous grass-roots communities in international developments and decisions that affect our lives and survival.

Indigenous communities around the world continue to face life-threatening crisis situations caused by toxic contamination, resource exploitation, and ongoing violations of human rights and self-determination. There is a growing realization among Indigenous communities that many of the local threats to Indigenous lands, self-determination and human rights result from decisions made internationally, through agreements between nation-states, by multi-national corporations and in international bodies such as the U.N.

The Mentorship Project includes three primary activities:

- 1) dissemination of information, updates, and training materials to Indian tribes, organizations and communities focussing on opportunities for their participation and input
- 2) on-site training workshops and technical assistance for Indian com-

munities and organizations, including drafting urgent action complaints and crisis mediation

3) comprehensive training for individual "mentees" including one-on one training ("mentorship") during sessions of key U.N. and international forums, teamed with experienced IITC representatives.

The first group of Mentees were selected by the Project's Screening Committee members on October 12th, 1995. They are: Tom Goldtooth, Indigenous Environmental Network National Office, Minnesota; Jackie Warledo, Oklahoma Regional IEN; Faith Gimmell, Gwich'in Steering Committee, Alaska; Kekula Bray-Crawford, Independent Nation of Hawaii; and Doris Bill, Kuna Youth Movement, Panama.

The IITC is excited by the high caliber of grass-roots expertise represented by these Mentees, as well as about the potential for this project to make a significant impact on Indigenous Peoples' international work.

IITC has worked for many years to ensure Indigenous Peoples' input in international discussions and policy-

development on the issues vital to their survival, stressing the direct relationship between grass-roots issues and international decision-making. Working in close cooperation with grass-roots communities facing critical situations, the IITC provides direct access for traditional Indigenous Peoples to present their concerns to the world community.

IITC's international work is now at a critical juncture facing many new challenges, the culmination of years of effort. Historic opportunities have recently opened up for Indigenous Peoples to make our voices heard to positively impact local struggles through greater international participation, including the inauguration by the U.N. of the International Decade of the World's Indigenous Peoples. With effective, consistent participation by skilled Indigenous representatives, such developments can provide unprecedented potential for advancements that will affect not only the lives of Indigenous Peoples, but the building of a more just, peaceful and sustainable world for all.

However, we have far to go in insuring that full participation by In-

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CONSIDERATION OF A DRAFT UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

INFORMATION RECEIVED FROM NON-GOVERNMENTAL AND INDIGENOUS ORGANIZATIONS



1. The IITC has participated at every stage of the progress of the Draft Declaration with great interest. We have great hopes for its adoption, as the Draft Declaration is the only human rights instrument to have been written with the participation of those most concerned, Indigenous Peoples themselves.

2. We are concerned, however, about reports that some states have raised the "problem" of the definition of "Indigenous Peoples" at various fora within the UN, concerned that somehow, some persons or groups not "entitled" to the rights posited in the Draft Declaration might somehow take advantage of them.

3. Mr. Jose Martinez Cobo, in his seminal "Study on Discrimination against Indigenous Peoples," provided the following definition:

"Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems."

4. In addition to these objective crite-

ria, Mr. Cobo included a subjective aspect, that of an Indigenous person being "one who belongs to these indigenous populations through self identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group).

5. Although this definition is not entirely satisfactory, the Cobo definition has been the UN working definition since it was published by the UN in Mr. Cobo's study.

6. But as the Working Group on Indigenous Populations has so wisely determined by its practice, the definition of Indigenous Peoples or persons is the concern of Indigenous Peoples themselves, and not the states. Indeed, Art. 8 of the Draft Declaration itself recognizes the right of Indigenous peoples to identify themselves as indigenous and to be recognized as such.

7. It appears to the IITC that there is no problem of "definition." The right to define oneself and to be recognized as indigenous is a right that indigenous peoples may claim, along with the right to self-determination. Indeed, this right of identity is in itself a important aspect of the right to self-determination.

8. For Indigenous Peoples all over the world, the enjoyment of all other

human rights and fundamental freedoms is dependent on the enjoyment of the inherent Right to Self Determination.

9. The IITC recalls that the right to Self determination was considered by the General Assembly, as it drafted the conventions giving life to the human rights recited in the UN Charter and Universal Declaration on Human Rights.

10. In that consideration, Aureliu Cristescu was appointed special rapporteur to the Sub-Commission on the subject of the right to self determination. In his report to the Sub-Commission, he found central to this right, the right of equality: "It was understood: that the principles of equal rights of people and that of self determination are

two component parts of one norm."

11. It has also been said that the right to self determination is a prerogative of a community, that it is the right

of individuals in association, and that any encroachment on it as a collective right would be a breach of the fundamental freedoms of those individuals.

12. Most relevant to the stated objections of some states with regard to the right of self determination of Indigenous Peoples, he found that there is no doubt that the right to self determination exists without regard to time: that is, that the right pre-existed the norm as set out in the Charter."

13. No-one can deny that Indigenous Peoples enjoyed the right to self determination before the colonial conquest, since time immemorial. Neither time nor oppression have extinguished it.

14. Some states began their process of nation building by recognizing the

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...the Draft Declaration is the only human rights instrument to have been written with the participation of those most concerned, Indigenous Peoples themselves.

sovereignty and self determination of Indigenous Nations by entering into Treaties with them on Nation to Nation basis, recognizing the principle of equality between Peoples. The failure of the right to self determination for Indigenous Peoples in these states did not come from lack of any constitutional or juridical foundation for the right. It stems from the fact that many of these treaties, as well as early (and still valid) decisions of their Supreme Courts recognizing Indigenous Self-Determination, were not honored, or worse, systematically violated by the states themselves.

15. Other States have recognized the Right to self Determination of Indigenous Peoples in their Constitutions, and systems of law, some providing, inter alia, for the right of Indigenous Peoples to communal lands. The failure in many of these countries of the Right to Self determination has come not just from chronic failures to observe the law, but from sudden and arbitrary changes in these constitutions and laws, depriving Indigenous Peoples of these fundamental rights.

16. Other States did not enter into treaties or protected Indigenous Peoples' rights to self determination through their laws. Many times under the guise of assimilationism, they continue to rely on the force of arms, genocide and conquest to maintain their dominion over sovereign Indigenous Peoples.

17. The end result has been the same in all of these cases: Indigenous Peoples all over the world today are denied the right to self determination, upon which their very survival as Peoples depends.

18. The IITC, since 1974, has addressed many violations of the human rights and fundamental freedoms of Indigenous Peoples within the UN, primarily before the WGIP and the Commission on Human Rights. Examples abound from every corner of

the world of how the denial of self determination leads to every conceivable kind of human rights abuse. To paraphrase Mr. Cristescu, without the right to self determination, other human rights are "devoid of all meaning." Indeed, as he pointed out, there can be no lasting peace between Peoples unless this right is observed and enjoyed.

19. The IITC emphasizes that the Right of Self Determination is not dependent on the Draft Declaration; Indigenous Peoples had that right even before the United Nations and many of its member states were conceived, even before many colonial societies themselves were formed. The Draft Declaration merely presents standards to which the World should aspire, if, as stated in the Charter, the UN is to "...promote universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

20. Indeed, it is not a proper role for the United Nations to invent human rights and fundamental freedoms, nor is it its role to pick and choose to whom those rights belong. Its role is simply to assist in the realization of human rights and fundamental freedoms, and to conduct studies and make recommendations for the purpose of promoting respect for, and observance of these rights and freedoms.

21. With this in mind, IITC congratulates and thanks members of the United Nations Working Group on Indigenous Populations and the hundreds of Indigenous Peoples who participated in the process for their many years of hard work resulting in the Draft Declaration on the Rights of Indigenous Peoples. The document does contain recognition of many essential rights and freedoms vital to the interests and survival of Indigenous Peoples in many regions of the world. Again, these fundamental rights and freedoms have existed since time immemorial. Those who have been de-

prived of those fundamental rights and freedoms are only too well aware of their denial as well as the need for their recognition and promotion.

22. With regard to other issues raised in the Draft Declaration, as in other International Human Rights Instruments, Part VI of the Draft Declaration, describing the rights of Indigenous Peoples to own, develop, control, use and protect their traditional ancestral lands and resources, is also critical to their enjoyment of the Right to Self Determination, as is the call for the full recognition of treaties and agreements entered into by Indigenous Peoples in good faith with nation States.

23. The issue of land is critical to the Right of Self Determination as Indigenous Peoples continue to be denied their means of subsistence as a Peoples, denied their traditional values, their cultures, religion and spiritual practices, their social systems and traditional knowledge, and institutions. Without their traditional lands they are denied their very identity as a Peoples.

24. The IITC is aware of the concerns of various States, that the Draft Declaration's recognition of the Right to Self Determination may somehow lead to national instability or contribute to the demise of States. In our view, it is the failure to recognize this basic right of Peoples that has contributed to the destruction of states. It is the denial of this fundamental right that threatens the peace and stability as well as the moral integrity and national honor of States. It is this failure to observe this basic right and fundamental freedom of all Peoples that causes massive violations of human rights and fundamental freedoms in all parts of the world, today. Until it is resolved, it will continue to be a source of profound division and frequently violent conflict between Peoples.

25. As the United Nations struggles toward universal respect for human rights and fundamental freedoms, it cannot abandon the ideals in the Inter-

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national Bill of Human Rights as they apply to Indigenous Peoples.

Nor can states deny that the fundamental right of Indigenous Peoples to self determination exists and has existed since time immemorial. The Draft Declaration does not establish this primordial right, but serves as an affirmation of that pre-existing right.

As Mr. Aureliu Cristescu reported to the UN, the Right to Self Determination in the Charter is merely a point of departure for a "dynamic development," of the principle and its legal content, "...its implementation and its application to the most varied situations of international law. We look forward to participating in that development.

Again, we wish to thank the Assistant Secretary General for Human Rights for this opportunity to present these written comments. We look forward to working with him and the Commission on Human Rights in this most significant endeavor.

All our relations.



Elder Susie Ondola, Athabaskan Nation, Eklutna Village, in charge of t-shirts at the Chickaloon Conference, June 1995.

(Continued from page 4)...UN Treaty Study

come a progress report, with the final report and recommendations to be submitted in 1997.

The CHR usually adopts the Subcommittee's recommendations, and the IITC fully expected the extension. In order to build greater participation, we encourage Peoples, organizations and nations to submit their information and Treaty Study questionnaire without delay in order to meet the 1997 deadline. Updates and supplemental information may also be submitted by Peoples who have already turned in documentation and questionnaires.

Once the final Study report is submitted, the recommendations it includes will require intensive follow-up within the U.N. system. A key issue will be a mechanism within the U.N. for the redress and investigation of Treaty violations and related infringements of Indigenous rights.

In 1995 saw several situation in which IITC was involved (including British Columbia and Ontario, Canada) erupted into crisis because disputes over historical land claims and treaty rights reached the potential for violent confrontation. These situations were due, in large part, to a continuing lack of effective redress for such situations

affecting Indigenous Peoples on the National as well as international levels, as well as the ongoing disregard for exiting rights, agreements and Treaties by governments.

We believe that the Treaty Study and its final recommendations for international investigation and redress (using, perhaps, the Permanent Forum for Indigenous Peoples within the U.N. system) are key to future peaceful negotiation of historical injustices represented by violations of Treaties and other agreements States have made with Indigenous Peoples.

The IITC will continue to provide technical assistance and information to Indigenous Peoples and communities while time remains for their input on the Treaty Study. The IITC has prepared an handbook available in English and Spanish which contains the U.N. questionnaire as well as information on how to compete and submit it.

IITC invites all those interested in the U.N. Treaty Study to contact the IITC Information office to request information, assistance and additional updates.

**IITC- Treaty Study Project
54 Mint St. #400
San Francisco, CA 94103
415-512-1501**





Mrs. Fatma Zohra Ksentini, Special Rapporteur of the Comm. on Human Rights,
Centre for Human Rights, United Nations, Palais de Nations CH-1211
Geneva 10 Switzerland. November 30, 1995

RE: REQUEST FOR INFORMATION, REF: No. B/SO 234 (17-6):

ADVERSE EFFECTS OF THE ILLICIT MOVEMENT AND DUMPING OF TOXIC AND DANGEROUS WASTES.

COMMISSION ON HUMAN RIGHTS, RES. 1995/81

Dear Special Rapporteur,
Madame Ksentini,

The International Indian Treaty Council (IITC), a Non-Governmental Organization with category II consultative status before the United Nations (UN), is pleased to respond to the Assistant Secretary General Mr. Ibrahim Fall's 30 August 1995 letter requesting information on the "adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights," pursuant to the Commission on Human Rights' resolution 1995/81, paragraph 11.

Although we are mindful that your mandate as Special Rapporteur by this resolution is to pay particular attention to Africa and other developing countries (sic), the resolution also requests that attention be paid to the enjoyment of the right to life and health of everyone. resolution, 1995/81, paragraph 7.

The IITC has, begun an assessment of the problem of nuclear contamination and the human rights of Indigenous Peoples. Although the so-called Nuclear Age has just begun, Indigenous Peoples have been poisoned by nuclear contamination from its inception, beginning with the Pueblo and Shoshone Peoples of New Mexico and Nevada, poisoned by 926 United States and later, joint USA/United Kingdom nuclear weapons tests, begun in 1944 at White Sands, New Mexico.

The IITC has found that the problem of nuclear contaminants is pervasive and serious throughout many Indigenous

communities in North America and the Pacific. Indeed, the IITC has found that the problem is severe and becoming worse. Paralleling the Special Rapporteur's own findings in her previous study, "Human Rights and the Environment," (U.N.Doc. E/CN.4/Sub.2/1994/9) Indigenous

"Indigenous Peoples, their communities, their lands and islands, once marginalized and isolated, from the inception of the nuclear age are now considered ripe for nuclear development, mining, testing, transporting and dumping on and through Indigenous lands all over the world."

Peoples, their communities, their lands and islands, once marginalized and isolated, from the inception of the nuclear age are now considered ripe for nuclear development, mining, testing transporting and dumping on and through Indigenous lands all over the world.

Our initial assessment includes the identification of the various major ways Indigenous Peoples have been poisoned, the location of communities which have suffered such contamination, and an assessment of each identified community and the effects of contamination on the communities and their future generations.

We would report to you on the progress of our assessment, and its first phase, the identification of the major means of contamination and targeted communities, with the hope that it be useful to you in your most important work. We would also note that although this assessment focuses primarily in North America and the Pacific, Indigenous Peoples there live in as abject a poverty as found anywhere in developing countries, and are subject to the same or similar exploitation by transnational corporations responsible for nuclear dumping, as well as the governments under which they live.

Major methods of contamination: Through a review of literature currently available, the following methods of contamination of Indigenous Peoples and communities were determined.

1. Nuclear bomb explosions;
2. Uranium mining and milling operations;
3. Nuclear reactors;
4. Storage and dumping of nuclear waste; and,
5. Radio-active Human experimentation and testing.

We have yet been able to investigate the effects of incineration of nuclear wastes or the contamination caused by munitions ranges in or near military installations. But through the initial phases of our assessment, variations on nuclear poisonings were found that defied imagination. One plan, for the Hanford, Washington, United States (USA) Nuclear Reactor,

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examined herein under nuclear reactors, is the breeding of fish in reactor cooling ponds, to be released in streams and rivers, fished and ingested by Indigenous People as a means of subsistence.

Other types of contamination are related, such as uranium mining and processing as well as nuclear reactors and nuclear waste dumping, whereby an indigenous community can be exposed to several means of contamination at the same time.

Exacerbating the problem in all types of nuclear contamination is the employment of indigenous workers in nuclear industries located at or near their lands or reservations, who are further exposed to high doses of radiation. And as a result of their exposure through employment, their families are further contaminated and exposed when they return home after work.

Human experimentation and testing appear to be found in all types of contamination, not just direct radioactive experimentation on humans beings as "guinea pigs." Governments are prone to test the effects of the contamination on people knowingly as well as unknowingly exposed. Indeed, it would appear that Indigenous Peoples, isolated and marginalized as they are, may very well be targets for contamination simply because of their fixed locations and isolation, constant genetic characteristics, consistent diet and other factors defining a "discrete" population, making testing and follow-up by government "health" agencies relatively easy and inexpensive.

A. NUCLEAR TESTING:

What was initially believed to be a means of contamination that would no longer be practiced is again a threat to Indigenous Peoples. On 13 June, the new President of France, Jacques Chirac, announced that France would conduct eight tests between September 1995 and May 1996.

According to President Chirac, the tests, now taking place at Mururoa Atoll, in French Polynesia in the South Pacific, will be the last France intends to conduct before joining a Comprehensive Test Ban Treaty, which it hopes will be ready for signature in 1996. France has not tested since 1991. President Mitterrand declared the first ever French moratorium in April 1992.

In a speech by Ambassador Gerard Errera, at the 708th Plenary Session of the Conference on Disarmament in Geneva, Switzerland, on 15 June 1995, France reminded the world that there were no restraints on nuclear bomb testing by any international treaty. The ambassador stated that there would be a "limited" number of tests (8 in total), and that the tests would be limited in time (from September '95 to May '96 at the latest). To quote Ambassador Errera: "*As with previous campaigns, it will of course be conducted with utmost security and concern for the preservation of the environment.*" (Emphasis supplied.)

Working with Indigenous Polynesian groups such as the Pacific Organization of Non-Governmental Organizations (Conseil National des ONG du pays Maohi) and its branch, Coordination Femmes Hiti Tau Tuahine, of Papeet, Tahiti (HITI TAU), Tahiti Polynesia has been preliminarily selected by the IITC for the assessment as an Indigenous community poisoned by nuclear bomb testing.

Even without the contemplated nuclear tests, the Peoples of Tahiti have suffered nuclear poisonings including radioactive fallout from previous tests, the eating of contaminated fish (marine contamination has an enormous impact on a society where seafood is the main source of food) and radioactivity from exposure while employed at Mururoa. Workers so employed bring radioactivity to their homes and families on other islands.

Some long term health problems, problems for future generations include cancers, miscarriages, premature births, neurological diseases in newborn babies, deformed children, deaths of babies and children, and leukemia. There are also relocation-related and poverty related illnesses and illnesses of the Earth, such as the sinking and cracking of atolls, tidal waves, and other environmental changes.

B. URANIUM MINING AND MILLING OPERATIONS:

In the USA alone, 55% of known uranium deposits are found on lands recognized as belonging to Indians. If contested treaties were honored, the figure jumps to over 90%. Almost 100% of current US uranium mining occurs on Indian lands. Uranium mining in the Southwestern USA, began in 1946, as the USA sought to build up its nuclear arsenal.

World wide, 72% of known uranium deposits are found on lands inhabited by third and fourth world peoples. According to an assessment by the Oil, Chemical and Atomic Workers Union, 81.5% of all uranium reserves are controlled by a mere seven transnational firms.

In Australia, uranium exploration threatens Aboriginal sacred lands. Forced Navajo relocations in Arizona and violations of treaty agreements in the Black Hills are attributed at least in part to furthering uranium and other mineral extraction. Uranium mining has already had a negative impact on Indian people of the Navajo, Laguna, Pueblo, Spokane, Ute, Lakota and Chippewa Nations. One of five working Launa Pueblo Indians and one of four working Spokane Indians are employed in Uranium mines. The largest uranium strip mine in the world is Anaconda Corporation's abandoned and still radioactive Jackpile mine on Laguna Pueblo lands.

(Continued on page 10)

(Continued from page 11)

tremely cold weather. Indian subjects have been reported by newspaper accounts as having said that they were not aware that the 1956-57 studies involved radioactive drugs.

The tests themselves involved the ingestion by the subjects of 50 microcuries of Iodine-131 (I-131) to determine the thyroid intake, urinary elimination, total plasma and protein bound of I-131, measured by instruments transported in a completely mobile isotope laboratory that was transported to remote areas of arctic Alaska.

Subjects included a white control group of Army soldiers and groups of Eskimos and Athabascan Indians in several arctic communities. The tests concluded that, "it appears that the thyroid does not play any significant role in human acclimatization to the Arctic environment when the cold stress is no greater than what is normally encountered by Alaskan Eskimos or Indians in the course of their

normal life activities, or by soldiers engaged in usual arctic service."

But during the tests, inland Eskimos at Anaktuvuk Pass and mountain Indians at Arctic Village were found to have abnormally high and rapid I-131 uptakes, up to 85% 24 hours following ingestion of so-called "tracer doses."

"They had low urinary elimination, low salivary I-131 concentrations and low plasma and protein bound iodine levels 24 hours following the dose. This was associated with a high incidence of thyroid enlargement and exceedingly low iodine intake (estimated to be less than 0.1 mg. potassium iodide daily)."

A mandated Congressional follow up assessment to determine long range health effects on the unsuspecting "subjects" is now underway. The IITC would focus on Arctic Village, Alaska, as the targeted community under the heading of "human nuclear experimentation."

CONCLUSION:

Again, mindful of the mandate given the Special Rapporteur, we hope that these very preliminary findings are useful to her in her work, and that they may suggest some useful areas for her study. With this in mind, we hope to keep the Special Rapporteur informed of our progress in our continuing assessment of the nuclear contamination of Indigenous Peoples and their human rights.

Indeed, given these IITC very preliminary findings, and given the Special Rapporteur's previous excellent study on human rights and the environment (with its especially welcome findings and conclusions with regard to Indigenous Peoples) we would also hope that in this International Decade of the World's Indigenous Peoples, the state of the human rights and fundamental freedoms of Indigenous Peoples with regard to the effects the production, dumping and movement of toxic and dangerous wastes would itself become a specific focus of study by the United Nations.



International Indian Treaty Conference, Chickaloon Village, Alaska, June 1995.



UNITED NATIONS COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES
WORKING GROUP ON INDIGENOUS POPULATIONS
THIRTEENTH SESSION,
IITC ORAL INTERVENTION 25 JULY 1995

eight tests between September 1995 and May 1996.

The IITC is in support of the 51st Session of the Commission on Human Rights resolution 1995/81 of 8 March 1995 in its decision to appoint a Special Rapporteur for a three year period to study the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

The IITC also commends the Commission's decision on Human rights and the environment 1995/14, particularly "Taking note of the reports submitted to the Subcommittee on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini."

Specially important was the decision to continue its consideration of this question at its fifty second session under an agenda item, and of the Secretary General's request for opinions from governments and NGO's on the issues raised in the report of the Special Rapporteur of the Subcommittee. The IITC look forward to the day when the Commission will establish a permanent position to help develop, monitor and review standards on human rights and the environment.

Finally, the IITC is finding that nuclear contaminates are pervasive and serious throughout many Indigenous communities in North America and the Pacific. Therefore my delegation calls upon this Working Group to conduct a comprehensive study on this problem in the hope that such a study will allow this Working Group to elaborate standards in the exploitation and use of these dangerous toxics and the human rights of Indigenous Peoples.

ITEM #4, STANDARD-SETTING ACTIVITIES: EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS PEOPLE - NEW DEVELOPMENTS AND GENERAL DISCUSSION OF FUTURE ACTION.

Madame Chairperson,

While you were out of the room earlier today, the distinguished representative took the floor and said that in Copenhagen last month even Indigenous Peoples had said "Indigenous Peoples are not tribal peoples". I was a delegate at the Copenhagen Workshop on the possible establishment of a permanent forum for Indigenous people within the United Nations system, and I am shocked and amazed by the representative's attempt to divide this room between our brothers and sisters in Asia who continue to live on traditional land and in a peaceful and cultural way of life.

In terms of standard-setting activities, the International Indian Treaty Council (IITC) has already spoken extensively on the subject of the draft declaration and of the need for governments to accept it in its entirety. Suffice to say the IITC is very aware, after 21 years of working at the U.N., that U.N. protocol and bureaucracy are confusing, discouraging and at times infuriating to Indigenous peoples who should be able to have a full and unfettered voice and participation as Sovereign Nations and Peoples. U.N. work, which we believe will eventually lead to this full recognition, is a step-by-step process which requires strategic planning and great perseverance for every small step forward.

Accordingly, the IITC supports recommendations made in Copenhagen last month by Mrs. Erica-Irene Daes in her Working paper on the establishment of a permanent forum (HR/COPENHAGEN/ 1995/SEM/2), particularly that an Indigenous person be considered as Chairperson by countries with

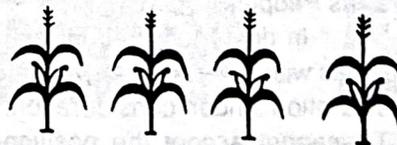
reference to the open-ended inter-sessional work group on the draft declaration beginning November 20, 1995 in Geneva.

With regard to the Study of the Protection of the Heritage of Indigenous Peoples (E/CN.4/Sub.2/1995/26) the IITC commends Madame Daes for her elaborate study and recommendations she provided. It is our delegation's desire the study be effectuated as soon as possible for international standard setting. However there is more to be done in this area such as protection of Indigenous lands and Peoples due to problems of nuclear and other toxic contamination by governments of the world, and the lack of human rights standards regulating such contamination.

The IITC at present is conducting a study of nuclear contamination and Indigenous Peoples, which it hopes to share with this working group when it is completed. We would like to make note, however, that Indigenous Peoples were the first to be exposed to nuclear contamination, upon the testing of the atomic bomb in the western United States, beginning with the Pueblo and Shoshone Peoples of New Mexico and Nevada, poisoned by nuclear weapons testing, first by the United States and later, by joint US/United Kingdom nuclear weapons tests, begun in 1944 at White Sands, New Mexico.

The intentional bombing of Indigenous Peoples with these weapons of mass destruction continues to this day, in French Polynesia, by the French government. On 13 June, the new President of France, Jacques Chirac, announced that France would conduct

Thank You, All My Relations.



UNITED NATIONS DRAFT DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BEFORE THE OPEN-ENDED INTER-SESSIONAL WORKING GROUP

IITC ORAL INTERVENTION NOVEMBER 28, 1995
CONSIDERING DRAFT SECTION VI.



Mr. Chairman,

the International Indian Treaty Council, IITC, addresses Section VI of the draft declaration on land and resources, as it includes rights that are critical to the survival of Indigenous Peoples. This section recognizes the basis of what being indigenous is, and our relationship to the land and the oceans. Indeed, Mr. Chairman, this recognition of the spiritual relationship of Indigenous Peoples to our Mother the Earth reflects the difference between Indigenous Peoples as Peoples, and the western eurocentric tradition. Indigenous Peoples universally recognize a duty to preserve and protect the Earth. We do not own the Earth. We are merely the caretakers of the Earth for our future generations who will live upon it.

Part VI of the UN draft declaration, describing the rights of indigenous peoples to own, develop, control, use and protect their traditional ancestral lands and resources, is also critical to their enjoyment of the right to self determination, the call for the full recognition of treaties and agreements entered into by Indigenous Peoples in good faith, Nation to Nation, with colonial and successor states.

The issue of land is critical to the right of self determination, as Indigenous Peoples continue to be denied our means of subsistence as Peoples, denied our traditional values, our cultures, our religions, our spiritual practices, our social systems, traditional knowledge and institutions. Without traditional lands Indigenous Peoples are denied their very identities as Peoples.

In rights reflected in this section, as with other sections in the draft declaration under consideration, the IITC cannot accept the positions of various states, that our collective right

to our lands and right to development, our collective right to our means of subsistence, must be subordinated to their individual national conceptions of land ownership or development. The IITC cannot give any credibility to notions of ownership that exclude our communal right to own land, nor can we in any way condone national development plans elaborated without the full and equal participation of Indigenous Peoples. It is precisely these national notions of ownership and national development plans that are leading to the extermination of Indigenous Peoples and the destruction of Sacred Mother Earth.

In considering this draft declaration, our mandate is to seek universality, not consistency with national standards. Otherwise we would have a document reflecting about 186 different views, one for each member state of the United Nations, 186 views that change over time and shifting perceptions of "national interests." The standards inherent in this part of the draft declaration, as written, have not changed since time immemorial. The standards as written in this part

were not established in line with prevailing ideologies or changing conceptions of trade or commerce. These standards as written extend to the very survival of our Mother the Earth, and all our relations who live upon it. These standards, Mr. Chairman, extend to the protection of the human race, in spite of changing national or global ideologies. For example, Mr. Chairman, for Indigenous Peoples, "sustainable development" as practiced by many states, is an oxymoron, as this term, by definition, requires growth. As practiced by many states, so-called "sustainable development" requires the continued theft of Indigenous lands.

Section VI of the UN draft declaration recognizes the rights of Indigenous Peoples to their traditional lands, and their right to fully and equally participate in those decisions that affect them most directly. This section recognizes our duty to protect the Earth, and a free and informed consent over our own traditional lands. Full and equal participation in decisions on development by Indigenous Peoples over their own traditional lands can lead to a truly sustainable development, not only for the benefit of Indigenous Peoples themselves, but the entire human race.

We ask the states, by what right would you continue to deny us what is ours?

All my relations,
Thank you, Mr. Chairman.



(Continued from page 3)...Message...

communities, lands and unborn generations, including cases of deliberate experiments by government agencies.

* Completion of a **Crisis Intervention Plan of Action** and training materials, including the drafting of urgent action interventions to the U.N. and training indigenous on-site observers to document human rights violations (this year IITC was called upon to participate in crisis situations in Chiapas Mexico, Canada, Guatemala and the U.S. in cases where Indigenous Peoples lives and safety were threatened)

(Continued from page 4)...Mentorship

Indigenous Peoples in critical international decision-making processes is assured, and that our perspectives and world-view are taken into full consideration in the development of policies pertaining to key survival issues. IITC staff members and other experienced representatives with the experience and skills to participate in U.N. forums, draft complaints, provide technical assistance and serve as international observers are far too few in number to meet both the growing demand and the new opportunities. Training more Indigenous people to do this work has become a top and essential priority for the success of the international work as well as for providing a vital resource and expertise for communities to draw upon.

Through its Mentorship Leadership Development Project, IITC will empower and train Indian communities and organizers to effectively utilize international instruments and diplomacy in support of grass-roots organizing, including crisis response in critical situations, providing both community and one-on-one training for individual "mentees".

The objective of IITC's two-year pilot Mentorship Project is the training of a team of 20-25 new, skilled Indigenous diplomats to participate in key U.N. and international forums and work on policy-development impacting

These key IITC programs are vital to our ability to provide an effective voice for our Peoples and to our work for the recognition of Indigenous rights.. As the Indigenous organization with the most years of experience in the international arena representing traditional, grass-roots Peoples, IITC has a responsibility to work for real change for our future generations. We also greatly appreciate all of your efforts towards making this a world in which Indigenous Peoples will survive with dignity, and all children can live in peace and harmony with our Mother Earth.

On behalf of all the staff, Board of Directors and members of the International Indian Treaty Council, I thank you sincerely for your interest, solidarity and friendship.

Andrea Carmen
IITC Executive Director



the local and national concerns of Indigenous communities.

The emphasis of the Mentorship project is empowerment of grass-roots organizations and communities through providing comprehensive training for their designated represen-

tatives. Participating organizations will gain a trained member/representative who then can provide training to other members. IITC will gain a greater pool of experienced delegates to call upon in the future.



Leaders of the future having fun at the IEN/IITC Conferences, June 1995, Chickaloon, Alaska.

HAWAIIAN SOVEREIGNTY MOVEMENT LEADER "BUMPY" KANAHALE FACES TRIAL

The cause of Hawai'i and independence is larger and dearer than any man connected with it. Love of country is deep-seated in the breast of every Hawaiian, whatever his station."

- Lili'uokalani

The following letter, which appeared in The Honolulu Advertiser on October 11, 1995, was written by Pu'u honua Dennis "Bumpy" Kanahele from Halawa Prison in Hawaii. Kanahele is the Head of State of the Nation of Hawaii, which declared its independence from the United States in 1994 following the US apology to the Native Hawaiian people for the illegal overthrow of their lawful government in 1893, recognizing their unrelinquished inherent sovereignty and right of self-determination. Bumpy' Kanahele has been a member of the Int'l Indian Treaty Council's Board of Directors since 1993.

Kanahele was charged on Aug. 2, 1995, with allegedly harboring a fugitive Native Hawaiian tax resister, and was then held without bail for four months before and during his trial.

The government's case was widely criticized as a blatant political prosecution, and Kanahele was called a "political prisoner" by many, including an editor of the Honolulu Star-Bulletin and the National Council of Churches Racial Justice Working Group Interfaith Prisoners of Conscience Project.

Kanahele's trial began the day this letter was published, and after three weeks a mistrial was declared by the presiding judge under highly unusual circumstances, when it appeared clear that the jury was not going to return a conviction on any of the three counts facing Kanahele.

Kanahele was released to a halfway house two weeks later under restrictive conditions. He must return to the halfway house each night, and



Pu'u honua Bumpy Kanahele at 1993 IITC Conference, Hawai'i

cannot travel to Waimanalo, where his home and family resides, and where the Nation of Hawaii's headquarters is located. As a man who has been convicted of nothing, his freedom has been severely violated by a government afraid of his political voice challenging the United States jurisdiction in Hawaii.

A motion to dismiss the charges on grounds of double jeopardy was denied by the US district judge who tried the case, and an appeal is now pending before the Ninth Circuit Court. Kanahele faces a second trial, scheduled to begin on April 23, pending the appeal.

THE REALITY OF SOVEREIGNTY

By PU'UHONUA "BUMPY" KANAHELE, FROM HALAWA PRISON
THE HONOLULU ADVERTISER,

You may be aware that I am probably the most politically aggressive and outspoken activist in the Hawaiian sovereignty movement today. In a free society everyone has a right to express their political voice. My political voice and truth are founded in a deep respect for freedom, justice, and non-violence, and are not intended to harm or defame anyone. I am simply attempting to educate the Hawaii general public, state and federal government officials, and interested international organizations regarding solutions to the grave historic and contemporary injustices suffered by native Hawaiians. The time has come to understand and embrace the reality of sovereignty in Hawaii.

"Conventional politics" have been the major roadblock deterring the natural process of self-determination for native Hawaiians. As God is my witness, there is no doubt in my heart and mind that my imprisonment is a "political issue." One of my respected kupuna "elders" recently told me, "Some people keep banging their heads against the door, when all they have to do is turn the door knob." I am peacefully and patiently reaching for that door knob. Will that door now open?

In July 1993 I was appointed by the Governor and served on the Sovereignty Advisory Commission. I was elected by my peers to chair the committee titled "Visioning Beyond the Legislative Mandate." This committee's purpose was to find the best possible solutions for self-determination beyond the scope of state and federal laws. In addressing this task my committee discovered that it was the international arena of law that required further exploration and definition. The Commission decided to bring in two qualified

experts on international law to educate ourselves as well as the general public.

The second expert was Professor Francis A. Boyle, who gave his opinion on "The Apology Resolution" (Public Law 103-150), signed by President Clinton on Nov. 23, 1993, apologizing to the Native Hawaiian people for the U.S. participation in the illegal overthrow of the Hawaiian monarch in 1893.

Professor Boyle stated, "...now the United States government, after one hundred years, has finally and officially conceded, as a matter of United States law, that Native Hawaiian people have the right to restore the Independent nation State that you had in 1893..."

Also that, "...remember, it's important when reading through this act, the so-called whereas clauses, these are official findings of fact and law, by the Congress of the United States. These findings bind all state and federal courts here in Hawaii." These findings of fact and law can no longer be contested or denied.

The nation of Hawaii bases its legal constitutional foundation on customary and international law as well as U.S. Public Law 103-150 passed by the U.S. Congress. The inherent rights of native Hawaiian people must be respected. This is the fruit of the 1993 Sovereignty Advisory Commission's committee called "Visioning Beyond the Legislative Mandate."

We are all now challenged to rise above the history of disregard of international law and flagrant human rights violations in Hawaii. As we educate ourselves and understand the findings and facts of U.S. Public Law 103-150, we can heal the past and begin to face our common future with dignity. Please open your hearts

and your minds to the prayers and politics of independence. Please stand together for truth and justice.

We can and we will show the world there is a way to overcome colonization without violence and to establish equality and equity for native Hawaiians without disenfranchisement of the status quo. To be successful in ending the oppression and forced occupation of Hawaii's people and lands by the American government, we must learn to be self reliant, to trust one another, rise above racism, and above all to know that we the people of Hawaii have the capacity and authority to determine our own best possible future."

UPDATE

Mr. Kanahale was finally released from the halfway house where he has been required to spend the night for the past two months and allowed to return to his home in Waimanalo. However, he is under restrictive conditions: Federal Judge Helen Gillmor ruled that he is not allowed to travel anywhere else in Waimanalo where he grew up (including Pu'uhonua O Waimanalo Village, the Nation of Hawaii headquarters), he must wear an electronic monitoring device around his ankle, he cannot have more than 5 visitors at any one time, and cannot do business or politics out of his home, along with other conditions."

"An appeal for dismissal of the charges against Kanahale is presently pending before the Ninth Circuit Court, with his second trial scheduled to begin April 23rd."

Hawai'i - Independent & Sovereign Nation-State
Post Office Box 401,
Waimanalo 96795 Hawai'i
phone/fax: 808/739-5995
exec@hawaii-nation.org
<http://www.hawaii-nation.org/>

Sovereign Dineh Nation Alternative Proposal [Excerpt]

We, the traditional Dineh of Black Mesa, declare: "We are bound only to obey the supreme spiritual and natural laws that have been established by our Creator at the beginning of time for our benefit and well-being; we hold true to the prayers and teachings of the people that set our path straight."

We, the Traditional Clan Leaders/ Medicine People(s) of the Sovereign Dineh Nation now speak as directed by the Creator. We are in total agreement one with another, family to family, community to community, each representative of itself.

All of Black Mesa is sacred to the Dineh, which is within the Four Sacred Mountains we call Dineh Tah, our aboriginal home land. There are Four Sacred Rivers that border these mountains. Beginning with the Eastern direction the mountains are known as: Sis Naajini (Blanca Peak); to the South: Tso Dzilth (Mount Taylor); to the West: Doo Ko' oosliid (San Francisco Peaks); to the North: Di-be Nitsaa' (Mount Herpeus). The rivers are known as the Rio Grande, the Little Colorado River, and the San Juan River which flows into the Colorado River. From time immemorial we have dwelt in our above mentioned traditional aboriginal homeland and wish to state we only recognize those who follow our traditional ways of life and religion at all times, both now and in the future and that our ties to our Mother Earth shall always remain strong within our traditional ways of life and spirituality. Our spiritual belief is to live within nature's laws and to be at the center place of balance and harmony that our Creator intended for us to be as caretakers of Mother Earth. In beauty it was created and in beauty it will be finished....

....ETHNOGRAPHIC SURVEY

Burial sites, sacred sites, Anasazi ruins, summer/winter camps, etc. are considered Traditional Cultural Properties (TCP). Because federal departments and agencies are involved in the negotiations, we hereby request that an Ethnographic study under the National Environmental Policy Act Section 106, the Endangered Species Act, and the National Historic

Preservation Act be conducted on the HPL and the wanton destruction of our TCP's cease immediately. We ask the Hopi Tribal Council (HTC) to cease with the importation of cows onto HPL, some of which are sickly and unhealthy. ...

.... WE DEMAND that our religious rights be granted protection. We ask that the U.S. Government immediately begin to enforce our right to practice Freedom of Religion as it is granted and defined for everyone else but HPL Dineh. We are not even allowed to bury our dead. Our religious concerns are not addressed adequately in the Agreement, obstructing, thereby, impeding the whole spirit and intent thereof.

FREEDOM OF RELIGION ON HPL

From Ordinance 47 of the HTC to AIRFA, there is currently NO Religious Freedom protections for Dineh on HPL included in the negotiations, therefore, at this time the Agreement must be invalidated and all movements toward its implementation must cease. Our religious concerns regarding sacred sites, burial, water, and other issues ARE NOT RESOLVED. Even though the "mediation" arose out of the Manybeads lawsuit, which was to prevent forced evictions, the U.S. Government has agreed to evict us (P.L. 93-531, The Relocation Act of 1974), thereby creating an assumption that Dineh on HPL will be removed against their will; in other words, we have no legal recourse and see that at the end of every option the Hopi Tribe has set itself up to be able to sue for the right to evict us. ...We ask that you, Chairman McCain, halt the "mediation" process or changed the location to the southwest region of America...

JURISDICTION OF THE HOPI TRIBAL COUNCIL

... For the Dineh of the HPL it is not feasible for us to be "subject to the civil and criminal jurisdiction of the Hopi Tribe and Hopi Tribal Court", (Exhibit C, pg. 8, Section E [1]), at this time. Instead we propose:...

...** That HPL residents can also fall under the jurisdiction of the Navajo Partitioned Lands (NPL), this will grant relief to the Hopi Law Enforcement Agency and its special paramilitary force of "Hopi Rangers".

** That Home Rule by each community should be an option... ** That the U.S. Congress NOT pass any legislation that will authorize the Agreement until the Dineh of the HPL are included in the Senate Hearings.

** The Hopi Tribe can return its offer to vacate Big Mountain and turn it over to the Dineh families; this WAS an offer of land exchange. There needs to be adjustments to the area's boundaries and the total acreage should encompass all of the northern and central communities where Dineh (Navajos) are refusing the Accommodation Agreement, which are: Big Mountain, Cactus Valley, Red Willow Springs, Red Lake, Mosquito Springs, Teasyatoh, Tonalea, Coal Mine Mesa, Teesto, and Howell Mesa.

PUBLIC LAW 93-531, THE RELOCATION ACT OF 1974

Mr. Chairman, the amendment of P.L. 93-531 is needed so that forced evictions are no longer the Standard Operating Procedure...

For More Info:

Dineh Alliance

Box 810

Pinon, AZ 86510

dineh@primenet.com

<http://www.primenet.com/>

[~dineh/index.html](http://www.primenet.com/~dineh/index.html)

'DZIL NCHAA SI AN' AKA MT. GRAHAM THREATENED BY KOLBE RIDER IN INTERIOR APPROPRIATIONS BILL

- HIV/AIDS Prevention Study in Indian Country also eliminated by
Amendment Benefiting the Univ. of Arizona's Mt. Graham

Full Text of Amendment:

"Deletes Senate language requiring the Indian Health Service to prepare a report on HIV-AIDS prevention needs, and inserts in lieu thereof a provision which allows the construction of a third telescope on Mount Graham, in the Coronado National Forest, Arizona, to proceed under the terms of the Arizona-Idaho Conservation Act of 1988, P.L. 100-696"
(Congr. Record -House, Dec. 12, 1995)

In 1989, the University of Arizona spent over \$1 million of taxpayer money to achieve exemption of an astronomical observatory from all Federal laws, including the American Indian Religious Freedom Act.

Congress authorized the exemption if the observatory restricted itself to particular sites. The University then cut part of the forest on Dzil nchaa si an (a sacred mountain of the San Carlos Apache) and the Vatican and a German group of astronomers built two telescopes. Then, the University decided to move the third telescope called the "Columbus Project." The Ninth Circuit Court ruled that relocation required new studies to review the new impacts. The Kolbe rider wants to overrule the Court order. The Kolbe rider wants Congress to authorize cutting the ancient forest without following any Federal regulations.

In 1989, the first rider was presented to Congress without ever mentioning that this mountain is sacred to the San Carlos Apache. The Congressional Committee hearings never invited and never gave the opportunity for elders, medicine practitioners or secular tribal officials to participate in the discussion of the rider. Subsequently, in frustration, every known San Carlos religious leader, the Tribal Council and every established Native American organization have passed resolutions requesting a stop to the project.

The recent Court order is the first and only method for the Apache to

participate in the American way of government. The Kolbe rider prevents their participation in a discussion of the American Indian Religious Freedom Act and the National Historic Preservation Act -- the two laws passed by Congress to protect Native Americans and their Constitutional right of freedom of religion. Every major Native American organization, many tribal councils, the European Parliament, and over 50 astronomers have opposed this project until the Apaches are given a chance within the legal process. The rider flagrantly ignores Apache concerns.

1993: Steward Observatory (University of Arizona) discovers that the telescope site it has chosen is inferior to the site designated by Congress. Attempts move. US Fish and Wildlife Service says that to move requires a endangered species consultation and supplementat environmental impact statement. University does not want to risk administrative process. Applies for closer site. US FWS first says this move requires studies, then reverses itself. On December 6, 1993 without public announcement, UA cuts 250 trees.

1994: Mt. Graham Coalition (includes Apache Survival Coalition, Scientists for the Preservation of Mt. Graham and all major environmental groups) sues. Wins in Ninth Circuit Court. Court and places an injunction on project until proper reviews completed.

1995: University tries to by-pass Court decision by asking Congress to exempt move from all federal laws. This is the second time it has asked for such an exemption. In 1988, it achieved an exemption for the first two telescopes.

November 1995: Representative Jim

Kolbe (AZ) places a "rider" on the House Appropriations Bill to exempt telescope from all laws. No hearings are held. Six Apache cultural officers for six tribes, the National Council of Churches, the Vice Chairman of San Carlos Apache Tribe and all conservation and environmental groups protest.

January 1996: House to decide if rider remains on bill. Calls needed to White House and Appropriations Committee members.

March/April 1996: Congress passes Mt. Graham Rider, Pres. Clinton signs it immediately.

The Mt. Graham and Apache Survival Coalitions have expressed their opposition to the Bill:

-- "Riders" attached to bills without hearings is not a democratic way to legislate.

-- The Court simply asks that the US Forest Service and Fish and Wildlife compare alternatives for listed species and cultural values. This is the normal process followed by all citizens wanting land use changes on public lands.

-- The peaks are sacred to the Western Apache. Both secular government, elders, and medicine practioners have requested no further destruction on the peaks.

-- The Apache have never had their requests reviewed within the legal system under the American Indian Religious Freedom Act.

-- The Emerald Peak site is in the middle of the best habitat of the Mt. Graham red squirrel and should be protected, not destroyed without due process. It is the southernmost spruce/fir fir in North America.

CONTACT:

APACHE SURVIVAL COALITION
Phone: 520 - 294 - 1863

Fax: As above, wait for tone

Address: P.O. Box 1237, San Carlos, Arizona 85550

Ola Cassadore-Davis, Chairperson

http://www.teleport..com/~amt/pla netpeace/mt_graham/index.html



TCN-CUC translation
Comite de Unidad Campesina,
GUATEMALA

*"A clear head, a heart of solidarity,
 a combative fist"*

I. Campesinos, Indians, and poor ladinos organized in the Comité de Unidad Campesina -CUC-, remember and commemorate one more anniversary of one of many massacres, occurring at the Spanish Embassy of Guatemala, during the regime of General Fernando Romeo Lucas Garcia and his government.

One day like today, the campesinos of San Gaspar Chajul, San Juan Cotzal, Santa Maria Nebaj, San Miguel Uspantan and Santa Cruz de El Quiche, demanded the removal of the military from their communities. They also demanded justice and punishment for those responsible for crimes against the communities, such as kidnappings of leaders, death threats, and theft of belongings of campesinos of those communities. Their demands included a piece of land, just pay from the ranches and haciendas, and end to the high cost of living, and other things.

The 31st of January, 1980, a group of campesinos lead by Vicente Menchu, Mateo Lopez Calvo, Gaspar Vi Vi, and other campesinos, supported by workers, students, Christians, and townspeople, came to the Capital with the hope that they would be heard, for a solution to the different problems mentioned. But seeing the negative attitude of the government, they decided to peacefully occupy the Spanish Embassy, so that the government would listen to their demands.

The government at that time, demonstrating its lack of respect for life, set fire to the embassy, believing

"The government ... set fire to the embassy, believing that with that, they would they would silence the voice of our Peoples, but they were mistaken, because sixteen years after that brutal act, we are many who struggle."

*Comite Unidad Campesino(CUC)
 31 January 1996*

that with that, they would they would silence the voice of our Peoples, but they were mistaken, because sixteen years after that brutal act, we are many who struggle. That was the seed that gave rise to many organizations that continue the struggle that they taught us, in this our country, Guatemala.

**ONE MORE ANNIVERSARY OF
 THE MASSACRE OF THE
 SPANISH EMBASSY**

It is troublesome to observe that during the "democratic" governments of the past decade, the practice of repression directed against the different social organizations of our country was maintained. Among the best known cases are the cases of the repression of Santiago Atitlan, in the province of Solola, and of Xaman, Alta Verapaz; but many never saw the light of public attention, and to this day the authorities whose responsibility it is to bring justice have not had the will to investigate and punish the intellectual and material perpetrators of these acts.

Persons killed by the arson of the Spanish Embassy by the Guatemalan

Government:

1. Felipe Antonio Garcia Rac
2. Vicente Menchu
3. Salomon Tavico Zapeta
4. Gaspar Vi Vi
5. Mateo Sic Chen
6. Gabino Moran Chupe
7. Jose Angel Cona Gomez
8. Maria Ramirez Anay
9. Maria Ramirez Anay (sister)
10. Regina Pol Cuy
11. Juan Tomas Lux
12. Maria Pinula Lux
13. Mateo Sen
14. Victor Gomez Zacarias
15. Francisco Tum Castro
16. Juan Chic Hernandez
17. Mateo Lopez Calvo
18. Francisco Chen
19. Juan Us Chic
20. Juan Lopez Yac
21. Juan Jose Yos
22. Trinidad Gomez Hernandez
23. Luis Antonio Ramirez Paz
24. Edgar Rodolfo Negreros
25. Leopoldo Pineda
26. Sonia Magaly Welches Valdez
27. Gregorio Yuja Xona

**II. THERE IS NO JUSTICE WHEN A
 FEW LIVE IN ABUNDANCE WHILE
 THE MAJORITY LIVES IN HUNGER**

We unite our voices with other sectors of the Guatemalan community to condemn and reject the economic, anti-people measures of the government, such as their policies of privatization of all of the peoples' resources, including education, health, communications, etc.. These measures create unemployment for thousands of workers and leave thousands of families without the means to survive.

The increases of the IVA (sales tax) that should be dedicated to terminate with poverty but in actuality drowns us in extreme poverty. These increments affect the campesino community with a great deal of speculation over costs of small scale agricultural production such as seed and fertilizers, as well as the basic cost of living.

The campesino population is also greatly affected by the low minimum

The campesino population is also greatly affected by the low minimum wage, especially in agricultural work, and affects the ability of agricultural workers to provide as workers for their families. Wages for agricultural work are maintained at the level of hunger and extermination. Over and above these governmental measures that drown us in poverty, prices for agricultural product of the campesino, and of the artisan, are maintained at a very low level.

While the rich live in abundance, we the campesinos and agricultural workers, as well as workers in general and our families, suffer hunger and misery. Land that we have, if we have it, it is too little. Eighteen peaceful occupations of land by campesinos are now being attacked by governmental anti-riot forces with great destructive effect. We are required to occupy the land because the government refuses to return to us what is ours, yet we cannot live without our lands. We continue to pay taxes while large landowners, industrialists, financiers and large commercial interests pay miserably little in taxes, making them more rich, maintaining their privilege.

After 503 years, we have been and continue to be dispossessed of our own lands; our fields and our cultivations continue to be destroyed, as the recent re-routing by foreign commercial interests of the Coyolate River destroyed fields and cultivations.

NO MORE VIOLATIONS OF HUMAN RIGHTS

The Ombudsman for Human Rights, Jorge Mario Garcia Laguardia, recognized that in 1995, there were 17,204 complaints of violations of human rights, including 947 individual complaints, and 223 extra-judicial killings. The lack of security as citizens and the persistence of violations of human rights and the impunity that prevails in our country is of great concern to us.

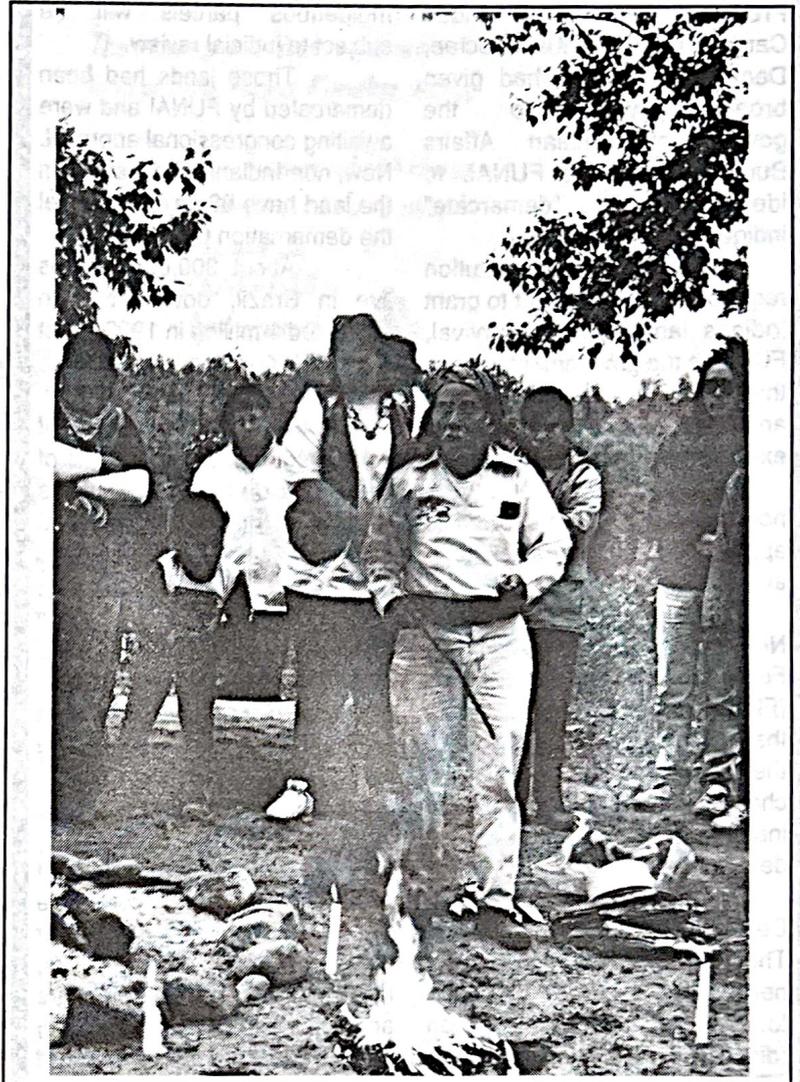
In addition to all this are the great numbers of death threats against the congresswomen of the Democratic Front of New Guatemala (Frente Democrático de Nueva Guatemala -FDNG): Manuela Alavarado, Rosalina Tuyuc, and Nineth Montenegro, as well as those what occur in rural areas.

III. WE DEMAND

1. That the cost of the IVA be brought down.
2. No to the privatization of the resources of the state.
3. No more violations of human rights.
4. Immediate resolution of the conflicts over lands.

(Continued on page 22)

A Sunrise Gathering and traditional Mayan Solstice Ceremony was led by Mayan Priest Nicolas Lucas of Mahawil Qij, Guatemala, at the back-to-back conferences of the Indigenous Environmental Network and the IITC. The IEN/IITC conferences were held June 19-25, 1995, hosted by Chickaloon Village Alaska, with over 800 people attending.



BRAZIL UPDATE: CONSTITUTIONAL CHANGE THREATENS INDIAN LAND RIGHTS

On January 9, 1996, Brazilian President Fernando Henrique Cardoso revoked a 1991 decree, Decree 22/91, that had given broad powers to the government's Indian Affairs Bureau, known as FUNAI, to identify and "demarcate" indigenous lands.

Brazil's constitution requires the government to grant Indians land for their survival. FUNAI is the government agency that identified indigenous lands and "demarcated" them for exclusive Indigenous use.

Under decree 22/91, non-Indians were not allowed to appeal the bureau's decisions to award land to tribes.

The Minister of Justice, Nelson Jobim, on behalf of the Fernando Henrique Cardoso (FHC) government, has, since the beginning of 1995, signalled the government's intention to change the procedures by which indigenous lands are demarcated in Brazil.

He maintains that Decree 22/91 is unconstitutional. The Minister holds that it is necessary to include the "right to contest" government action (direito do contraditorio) in the procedure - the right of third parties with claims on Indian lands to formally state their claims in the demarcation process - for all the areas yet to be demarcated, and for all already demarcated areas, except those registered in land offices.

The Justice Ministry said that FUNAI had set aside land for Indians based on erroneous calculations of the Indian population and without respect for "landowners."

The president's decision won't affect the some 200 demarcated lands established since 1991, including a 37,000-square-mile areain the northern Amazon for the Yanomami tribe. But 307

other already identified Indigenous parcels will be subject to judicial review.

Those lands had been demarcated by FUNAI and were awaiting congressional approval. Now, non-Indians who also claim the land have 90 days to appeal the demarcation to Congress.

About 300,000 Indians live in Brazil, down from an estimated 1 million in 1900. Most live in the Amazon jungle, which covers 60 percent of the country. In the 1980s, the discovery of large gold deposits drew tens of thousands of illegal prospectors to native Indian lands. The miners destroyed forest, polluted rivers and spread diseases fatal to Indians. Whole tribes have been massacred by these invaders, called "gampeiros." The government has done nothing to prevent these and other gross and massive human rights violations.

Even before revoking Decree 22/91, the government never took initiatives to reverse or prevent invasions of indigenous areas by loggers, landfraud operators, ranchers and others. It has also not registered in the respective land offices those areas the demarcation of which was already ratified by the President of the Republic, which would have exempted those areas from possible challenge under the new procedures.

It is feared that the government will soon promulgate a new decree to replace 22/91. "The government caved in to the pressure of powerful economic groups," said Filisberto Damasceno, a spokesman for the Indigenous Missionary Council. "The decree will benefit only big landholders and gold miners."



(Continued from page 21)

Finally, we call:

On the people in general, to reject all of the anti-people economic measures of the government, and to remain attentive to the struggles of different organizations that reject these mistaken policies.

We call upon the Campesino in general to remain firm and to add to our struggles for a piece of land and better wages.

**HEROES AND MARTYRS OF 31 JANUARY 1980
PRESENT IN THE STRUGGLE. COMITE DE
UNIDAD CAMPESINA-CUC-MEMBERS OF USAP-,
-CNOC-, -CITI-***

Seal of the Comite de Unidad Campesina (CUC) Guatemala, 31
January, 1996 Guatemala

[* -CITI- Consejo Internacional de Tratados Indios, the International
Indian Treaty Council

Polynesia - beloved.

Tahiti, Kahiti,

Tawhito, Kahiko

old, wise, land,

you stand, a monument

to my ancient past.

I, a Maori from Aotearoa,

land of the long white cloud,

I weep at your decaying - radioactive decay
of a dirty people,

white people, French people

who test their death - techno

in the breasts of our ocean mother

our people die - radiation death

amidst the paru - filth

but, not without fighting

fighting, indigenous peoples

struggling, against such enemies

supporting your struggle.

The ancient old drums

beating memories of my geneologies,

my stories

my songs,

my beginnings

my Tipuna, ancestor memories remain

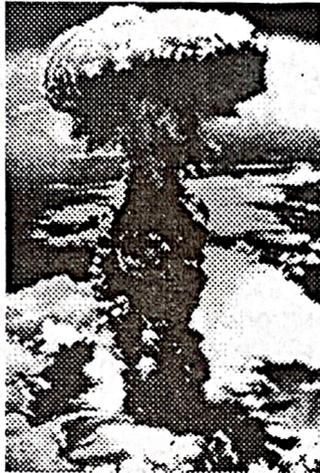
embedded in that history - Rangiatea.

our chants records and speaks to me

Waka- canoes circum-navigating the oceans of Kiwa

to our whenua Aotearoa.

I weep, mother genetically changed,



birthing jelly babies

in MICRONESIA - women fighting

big power, mongrel power, USA power.

I weep, USA storing their chemical waste

KALAMA Island - Johnson Atoll,

The moon grows dark, over sacred HAWAII

land of Pele, Hiaka, Kanaloa, Kane,

Anger grows, nuclear rubbish dump

financial promises to a dying people

MARSHALL islands.

people of RAPANUI

Endangered people.

Passionate anger

To struggle for YOU my people

Furious anger,

USA invasion into Belau,

Military occupied islands

GUAM, Kwajelain.

Chilean occupation

A struggling people of RAPANUI

Endangered people.

Passionate anger

To struggle for YOU my people of the Pacific

against colonization, invaders of the western worlds

We will never disappear, never die, never never

stop fighting for freedom.

Hinewirangi 96.

TREATY COUNCIL NEWS (TCN) is the official news bulletin of the International Indian Treaty Council (IITC). The IITC is a Non-Governmental Organization (NGO) with Consultative Status at the Economic and Social Council (ECOSOC) of the U.N. The IITC sincerely thanks Feral Press and the many others who have donated their time in support of Indigenous Peoples Self-Determination. TCN invites submission of works by Indigenous Journalists, artists, photographers and organizations. Subscription rates are: \$15 U.S.; \$35 International (1st Class); \$25 Organizations and Institutions.

IITC MISSION STATEMENT: The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America and the Pacific, working for the sovereignty and self-determination of Indigenous Peoples and the recognition and protection of indigenous rights, treaties, traditional cultures and sacred lands.

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HALTING THE SALE OF THE PIPE

The selling of Pipes will not be tolerated. The Pipe is not an object of commerce. It takes the way of life that the Pipe offers and turns them into financial venture. Whenever and where ever these acts of blasphemy occur we will not remain silent. We will approach the situation with extreme care and in a good way so as to not commit emotional or physical violence.

When we approach the seller and event directors, we will obtain contact information on the offending business and individuals. Information such as: name of vending operation, address, phone, fax and e-mail address, with the name of the individual in attendance at the moment.

We will approach these offenders and those who are in charge of the Pow Wow, event or function and speak with them about the repulsiveness of their acts. We will tell them that they are engagin in acts of desecration to our spirituality and our Sacred Objects. We will explain that unlike institutionalized religions, it is not correct for us to sell our sacred objects or ceremonies.

If the avenues of communication between the vendors and/or directors of events does not bring a halt to the selling of the Pipe and it does not result in the return of the Pipe to a Tribe then we will initiate the following steps:

- 1) We will publicize information regarding who is selling of eagle feathers publicly, through media outlets (both Indian and non-Indian).
- 2) We will mount a public information campaign bringing attention to the sacrilege being committed and who is committing it the crime.
- 3) We will take appropriate legal action. Although technically it is not a crime to sell Pipes, the very act of the sale is morally wrong therefore will constitute a moral crime against Indian People.



TREATY COUNCIL NEWS

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SAN FRANCISCO, CA 94103

(415) 512-1501 FAX: (415) 512-1507

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