



TREATY COUNCIL NEWS

INTERNATION INDIAN TREATY COUNCIL

Consejo Internacional de Tratados Indios

Summer 2004

"Working For the Recognition and Rights of Indigenous Peoples"

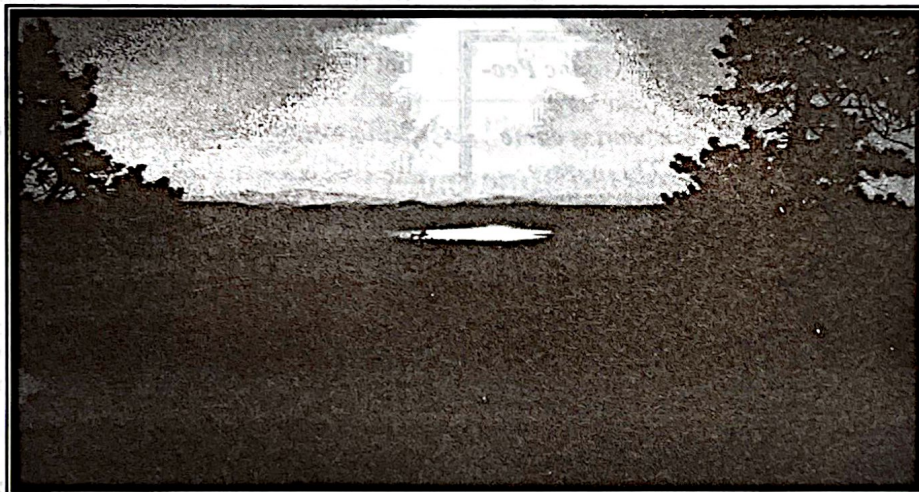
"Trabajando Por el Reconocimiento y los Derechos de los Pueblos Indigenas"

30th Anniversary International Indian Treaty Council Conference Hosted By Iss Ahwi People (Pit River Indian Nation), Ajumawi Territory, Fall River Mills, California

"Indigenous Nations Mobilizing for Justice, Sovereignty & Protection of Sacred Homelands"



Indian Nations Struggle to Protect Medicine Lake



The Medicine Lake Highlands in northeastern California is one of the oldest, most sacred and important regions of the Pit River (Iss Ahwi) Tribal Nation. The Pit River Nation has resided in this part of the world since the beginning of time. The Highland region is a part of the Ancestral Territory of the Pit River and Modoc Indian Nations and is also very important to the Shasta, Karuk, Wintu and other Tribal Peoples.

"To our People and many other tribal Nations, Medicine Lake is a very beautiful and special place. Medicine Lake and Mt Shasta were gifts to our Peoples from the Creator, the One Above. These places are part of our creation and our teachings about how we leave this world."

"There is only one place like that for us, where if you bathe in the water in the Lake, and follow the rules the Creator set down for that place, there can be healing for anyone. It is sacred to the tribes from all directions that traveled hundreds of miles to come there. It is a place of peace and healing, where you can both see and feel the spirits that are there."

"Our Spiritual People and healers received knowledge and power there, and it was a place of meditation and training where they went to receive these gifts to protect all life".

- Mickey Gemmill, cultural leader, Iss-Ahwi (Abalone Shell People), known as Pit River Nation

These Nations use the Highlands for spiritual worship and traditional healing activities, and the mountain area around the lake are used as a training ground for Tribal medicine men and women from throughout the western states.

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Mercury Contamination in Northern California:

Over 150,000 Native Americans lived in California prior to the start of the gold rush in 1849. By 1870 disease, forced relocations and massacres had reduced the California Native population to an estimated 31,000.

Approximately 26,000,000 pounds of mercury was used in gold ore recovery in Northern California, mostly in the Sierra Nevada and the Klamath-Trinity Mountain

areas. Particularly contaminated are the Bear, Feather, Yuba and American Rivers, as well as Clear Lake and the San Francisco Bay.

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Cont. From Cover The Highlands are located adjacent to Mount Shasta, and these two most sacred landscapes are closely related in Tribal creation narratives, with many physical and mystical links between them. In creation narratives, the Creator made the world from Mount Shasta, and left vital instructions on how to live in it in the Medicine Lake Highlands. The sacred narratives handed down from one generation to the next gave responsibility to the Pit River People as the caretakers of the sacred Highland region.

The Pit River people believe that the Creator Hewesis and his son bathed in Medicine Lake after creating the earth, and Hewesis imparted his spirit into this water. The sacred water from the lake makes its way through the rest of the water system in the Highlands region and beyond and nourishes and heals all plants and animals, including humans, in need of such assistance. Bathing in and drinking the water of the Highlands as a part of Tribal ceremony has the power to heal and rejuvenate the mental, physical, emotional and spiritual aspects of the body.

"It was the Creator's bathtub," Pit River elder Willard Rhoades has said. "Many sick people went there, took a bath and left their sickness there—as long as they never looked back".

Pit River elders teach that this area derives its power and sacredness from its pristine natural state. **Tragically this sacred place is under siege by the Calpine geothermal mining company which intends to drain the area's sacred life-blood for corporate profits.** The US Bureau of Land Management has leased a total of 66 square miles in the area to Calpine for proposed geothermal drilling. Initial drilling plans call for 10 to 12 wells up to

9,000 feet deep, with additional wells throughout the life of the project. 24-hour lighting and noise would disturb this peaceful remote area where nothing now dims the star-studded night sky. A proposed nine-story industrial complex would produce 18 tons of toxic hydrogen sulfide gas each year, and other heavy metals such as arsenic and mercury, released through large visible steam plumes.

The Highlands make up the continent's largest shield volcano, a million-year sculpture of volcanic fury that includes mountains of glass-like obsidian, clear lakes, lava flows,

"Captain Jack and the Modoc People fled to Medicine Lake as a stronghold when the armies came after them in 1872. There were 3000 soldiers against 50 Indian men, women and children. In that battle, the armies could not defeat the Modocs, and only one Indian lost their life. The place protected them that way. That is how strong this place is." — Mickey Gemmill

slopes of white pumice, dark boulders, and silver-green mountain hemlock trees. It is well recognized that geothermal drilling would jeopardize Medicine Lake's spiritual uses as well as pollute the surrounding water system. The application filed by Calpine Corporation with the California Energy Commission and the U.S. Department of Energy Geothermal Resource and Development admits its planned development would cause irreparable damage to the cultural and spiritual uses of the Sacred Medicine Lake Highlands by Tribal Peoples. Environmental Impact Studies also document that these projects would cause severe, irreparable impacts on Tribal Peoples' culture that could not be

mitigated.

The Advisory Council on Historic Preservation determined that the project's industrial elements would "significantly and irreversibly diminish the characteristics that qualify this area for listing on the National Register." Archaeological evidence shows that it has been used for spiritual, ceremonial and healing purposes for over 10,000 years.

Telephone Flat, designated as a Traditional Cultural District by the National Register of Historic places, was denied for development in May 2000 by the Clinton Administration, but the decision was reversed by the Bush Administration in November 2002 over the adamant objections of the impacted Indigenous Peoples.

The international human rights and fundamental freedoms of the Pit River and Modoc Indian nations and traditional practitioners from the Klamath, Karuk, Shasta, Wintu and other Tribes are being threatened by Calpine's geothermal mining plan. These projects would specifically violate Articles 1, 18 and 27 of the International Covenant on Civil and Political Rights to which the United States is a party, as well as the federal American Indian Religious Freedom Act of 1978.

Pit River Tribe, Native Coalition for Medicine Lake Highlands Defense, environmentalists and the Earthjustice Environmental Law Clinic at Stanford have filed several lawsuits and appeals challenging, among other things, the legality of the US Government's extension of Calpine Corporation's leases for another 40 years, including leases in the Telephone Flat and Fourmile Hill areas. The most recent lawsuit was filed in May 2004. Its charges include that the US Bureau of Land

Cont. Page 3

Cont. from page 2 Management (BLM) illegally renewed by without benefit of environmental or historic preservation reviews or consultations with affected Tribes.

"The BLM was well aware of the devastating impacts of extending these dormant leases past their original, expired terms and thereby allowing development to go forward," said Deborah Sivas, Director of the Earthjustice Environmental Law Clinic that represents the plaintiffs. "The agency simply elected to slide these extensions through under cover of darkness, without any public notification or process, any environmental analysis, or any

consultation with the Tribes."

Clearly, it is the legal and moral duty of the United States and the Federal Court system to uphold federal law, including protecting and preserving the Pit River Nation's and other Tribal Peoples' inherent right of freedom to express and exercise their traditional religions practices in the sacred Medicine Lake Highlands region. For more information or to find out how you can support this struggle contact:

- Earthjustice Environmental Law Clinic at Stanford, Deborah Sivas, Directing Attorney, (650) 723-0325
- Pit River Nation, Jessica Jim, Pit

River Tribal Chairperson, (530) 335-5421, Michelle Berditshevsky, Environmental Coordinator, (530) 335-5062

- Native Coalition for Medicine Lake Highlands Defense, Floyd Buckskin, Chairman (530) 335-5062, Mark LeBeau, Vice Chairman (916) 929-9761

- Mount Shasta Bioregional Ecology Center, Peggy Risch, Research Associate, (530) 926-5655

"If people don't listen," Willard Rhoades has warned, "they are going to run into the End Time in a bad way. It's almost here." ♦

by Mark LeBeau, Pit River Nation

"Forshore and Seabed" 'Hikoi' Protest March for Land and Treaty Rights in Aotearoa (New Zealand)

The government of New Zealand has begun a process to adopt the "Foreshore and Seabed Bill". This legislation would allow the government to confiscate. Most Maori believe that this bill will take away what little is left of their peoples' customary traditional rights to their whenua (land). It would also violate the continued legal obligations of the New Zealand government to the Maori under the Treaty of Waitangi of 1840 which states in Article 2 that:

"Her Majesty the Queen... guarantees...full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession..."

In response, a 'Hikoi' (protest march) was organized from 22 April – 6 May, 2004, to go from the top to the bottom of the north island concluding at the

steps of Parliament – The "Beehive" in Wellington?). Thousands of people from all walks of life turned out in support, signalling a potentially critical turning point for the Indigenous peoples of Aotearoa and their future. The culmination of this effort sparked a new entity known as 'The Maori Party' which is currently building support for a political challenge against the government in next year's election process. Organizers are confident in the fact that the 'Hikoi' has created a window of opportunity in which to influence the future direction of Aotearoa/NZ.

Ka whawhai tonu matou ake ake ake! We will fight forever and ever and ever! ♦



Maori 'Hikoi' flag flying proudly in front of 'The Beehive'

"The legislation is regrettably even worse than feared. It ignores all of the concerns which Maori have raised about the issue and involves not just a taking of the coastline from Maori but also a very real restriction on our tikanga and our rights under international law and the common law." - Ngahiwi Tomoana, Chairman, Ngati Kahungunu Iwi Incorporated Aotearoa

For more information:

www.converge.org.nz/pma/fsinfo.htm

by By Anaru Fraser, Te Rau Aroha, Aotearoa

Cont. from cover Clear Lake, the traditional homeland to Pomo Indian fishing communities, contains 100 tons of mercury alone. Many abandoned gold mines have never been adequately cleaned up, and continue

to produce toxic runoff today. This toxic contamination which continues to affect not only the California Indigenous Peoples but all Northern Californians, especially children and the unborn, mainly through eating certain kinds of fish from contaminated waters. ♦

This full booklet is currently available as a PDF from IITC's web site, www.treatycouncil.org or contact IITC's San Francisco Office for a printed copy.

Fish and pregnant women

Fish is one of the best sources of nutrients for babies and young children. Some of these nutrients help children's brain development. But if a pregnant woman eats a serving of mercury-contaminated fish, methyl mercury crosses the placenta and enters her baby's brain. Even a tiny amount of methyl mercury can cause permanent developmental problems.

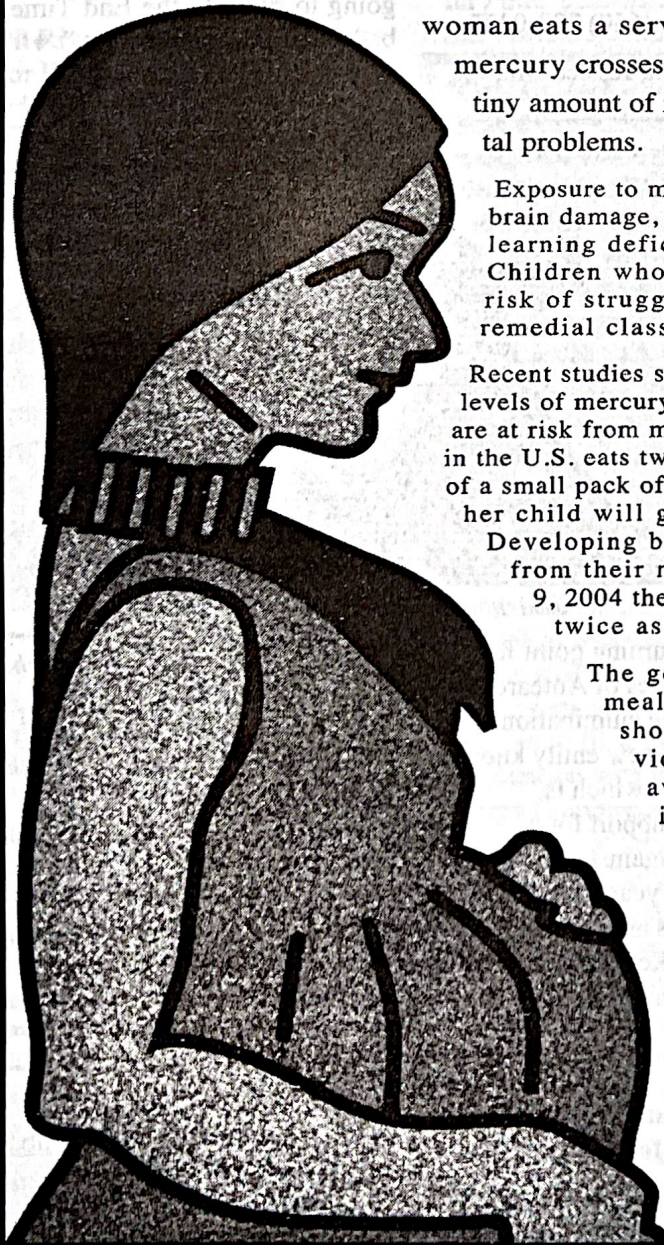
Exposure to methyl mercury in the womb can cause irreversible brain damage, delay the mental development of children, causing learning deficits, and other developmental problems. Children who suffer from methyl mercury poisoning are at risk of struggling to keep up in school and often require remedial classes.

Recent studies show that one in six women in America have unsafe levels of mercury in their bodies and more than one in three children are at risk from mercury exposure in the womb. If a pregnant woman in the U.S. eats two meals of six ounces of fish (each equal to the size of a small pack of cards) every week, there is a 50/50 chance that her child will get a harmful dose of methyl mercury.

Developing babies receive concentrated amounts of mercury from their mothers: according to an EPA study released Feb. 9, 2004 the amount of mercury in the umbilical-cord is almost twice as high as the amount in the mother's blood.

The government previously said that two 6 ounce meals of fish per week was safe. But the new study shows that the risk is much greater than was previously thought. And these studies only consider average-sized women eating average fish contaminated with an average amount of methyl mercury that leaves her body at an average rate. The truth is that some women weigh less than average while some fish have higher amounts of methyl mercury.

Estimates of the negative impacts of mercury on the developing fetus continue to increase. The new EPA study estimated that 630,000 babies born in the US each year are at risk. Even a more conservative estimate by the National Academy of Sciences in July 2000 concluded there was "little or no margin of safety" for the consumption of mercury by women of childbearing age.





Declaration of Continuing Independence:

By the First IITC at Standing Rock June 1974



The First International Indian Treaty Council of the Western Hemisphere was formed on the land of the Standing Rock Sioux Tribe on June 8-16, 1974. The delegates, meeting under the guidance of the Great Spirit, represented 97 Indian tribes and Nations from across North and South America.

We the sovereign Native Peoples recognized that all lands belonging to the various Native Nations now situated within the boundaries of the



U.S. are clearly defined by the sacred treaties solemnly entered into between the Native Nations and the government of the United States of America.

We the sovereign Native Peoples charge the United States with gross violations of our International Treaties. Two of the thousands of violations that can be cited are the "wrongfully taking" of the Black Hills from the Great Sioux Nation in 1877, this sacred belonging to the

Great Sioux Nation under the Fort Laramie Treaty of 1868. The second violation was the forced march of the Cherokee people from their ancestral lands in the state of Georgia to the then "Indian Territory" of Oklahoma after the Supreme Court of the United States ruled the Cherokee treaty rights inviolate. The treaty violation, known as the "Trail of Tears," brought death to

"...in 1980, the United States Supreme Court stated, in connection with the illegal confiscation of the Black Hills of South Dakota in what was considered Sioux territory, that "... a more ripe and rank case of dishonourable dealing will never, in all probability, be found in the history of our nation" and considered that "... [U.S.] President Ulysses S. Grant was guilty of duplicity in breaching the Government's treaty obligations with the Sioux relative to ... the Nation's 1868 Fort Laramie Treaty commitments to the Sioux".

The Court also concluded that the United States Government was guilty of "... a pattern of duress ... in starving the Sioux to get them to agree to the sale of the Black Hills."

- UN Special Rapporteur, Mr. Miguel Alfonso Martínez, E/CN.4/Sub.2/1992/32

two-thirds of the Cherokee Nation during the forced march.

The Council further realizes that securing the United States recognition of treaties signed with Native Nations requires a committed and unified struggle, using every available legal and political resource. Treaties between sovereign nations explicitly entail agreements which represent "the supreme law of the land" binding each party to an inviolate international relationship.

We acknowledge the historical fact that the struggle for Independence of the Peoples of our sacred Mother Earth have always been over sovereignty of land. These historical freedom efforts have always involved the highest human sacrifice.

We recognize that all Native Nations wish to avoid violence, but we also recognize that the United States government has always used force and violence to deny Native Nations basic human and treaty rights.

We adopt this Declaration of Continuing Independence, recognizing that struggle lies ahead - a struggle certain to be won—and that the human and treaty rights of all Native Nations will be honored. ♦

IITC Update: The United Nations Declaration on the Rights of Indigenous Peoples

The United Nations General Assembly declared a Decade for the World's Indigenous Peoples in 1994, and adoption of a UN Declaration on the Rights of Indigenous Peoples was one of its stated goals. Even though the work of drafting a UN

Declaration for Indigenous Peoples has already begun back in 1982, when the UN Working Group on Indigenous Peoples (WGIP) was established, it is now tied to the Decade which ends this year. Now some states (countries) are saying that if a Declaration is not

adopted this year, the process will end and there will be no Declaration at all.

The development of the current Draft Declaration had, from its beginning, the active participation of States, UN Experts and

Cont. on Page 6

Cont. from Page 5 Indigenous Peoples.

This process was seen by Indigenous Peoples as an essential step for international recognition and affirmation of the most basic rights needed to insure their survival. In 1994, after 12 years of a drafting process in which thousands of Indigenous Peoples had participated, the WGIP completed and approved the current text of the Draft Declaration. They sent it on to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, who also approved it and sent it on to the United Nations Commission on Human Rights that same year.

Once the 53-member Commission accepts it (either by a vote or by consensus) the Draft Declaration will go to the UN Economic and Social Council, and then on to the UN General Assembly for final adoption as an official United Nations Human Rights Declaration. But the obstacles this process faces are more than a matter of the time it takes to move through the massive UN Bureaucracy. The primary problem and reason for the lack of progress towards adoption of the Declaration is the lack of "political will" by some of the UN member states, including the United States, Canada, Australia, New Zealand, Japan, and Great Britain among others. They have been unwilling to move away from the legacy of racial discrimination and colonization to accept that Indigenous Peoples have the same rights that international law accords to "All Peoples". We have learned that to them this means "All Peoples except Indigenous Peoples"! In 1995 the Commission on Human Rights created an "Ad Hoc Intersessional Open Ended Working Group" (ISWGDD) for, in their words, continued "elaboration" of the

Declaration. Indigenous Peoples including IITC fought hard for full participation in this body as well, which is has now entered its 10 year of discussions.

Even though the text approved by the WGIP and the Subcommission has been endorsed by a great many Indigenous Peoples as the "minimum standard" which would be acceptable, some states from the beginning made it clear that they intended to weaken or qualify many of the key provisions of the text.



"Indigenous Peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

-Article 3, United Nations Draft Declaration on

These include the full recognition of Indigenous Peoples as "Peoples" under International Law, and the strong provisions on land rights, self-determination and treaty rights to name the most controversial elements. These also happen to be the most essential elements to Indigenous Peoples.

So this process has not been an easy one and still faces many obstacles. To date only two out of the total 45 articles have been provisionally adopted by the ISWGDD (articles 5 and 43). Neither of them contains the term "Indigenous Peoples."

Indigenous Peoples are now being told that we must agree to changes that

would clearly limit and diminish our rights, or be faced with the choice of no Declaration at all. The UN recognizes that human rights are Inherent and Inalienable, and Indigenous Peoples also affirm that our rights were bestowed on us by our Creator. So most Indigenous Peoples agree that if the sad fact is confirmed that some countries are not ready to recognize even the minimum rights essential for the survival of Indigenous Peoples, we ourselves will not be willing to accept a Declaration of our Rights which falls below this minimum standard, or which serves the political needs of states at our expense.

The impasse continues to this date. It should be noted that one very positive outcome of this process and the ongoing discussions in the UN has been that some of the most essential rights contained in the Draft have begun to be used and recognized by international bodies, including high level UN Treaty Monitoring Bodies, even though the Declaration itself has not yet been adopted.

The UN has decided to hold two sessions of the ISWGDD this year, in September and in November. These may in fact be the final two sessions. Whether this process will or should in fact continue and whether states will contemplate adopting a Declaration for the Rights of Indigenous Peoples, which does not have the support of the Indigenous Peoples, remains to be seen.

The Organization of American States (OAS) is also an international organization of States, like the United Nations, but only for Turtle Island, or the "American Continent". The OAS is drafting a Declaration on the Rights of Indigenous Peoples. But the process for participation of Indigenous Peoples is still not clear,

and draft the text itself was originally developed with very little input from Indigenous Peoples, unlike the UN text. But the same issues of Self Determination and control of lands, territories and natural resources are the major problem in this process as well, as more Indigenous Peoples are seeing the need to become involved and address real problems in the draft.

In many ways the two draft declaration processes in the UN and OAS working groups are bound up together. The same States at both, principally the United States and Canada in the Americas, joined by others in the UN, raise the same

objections, the same impediments to any real recognition of Indigenous rights.

Indigenous Peoples are not alone in either of these two processes, as some states have become strong supporters. Nor are we without any say in the matter. We have fought very hard, over a great many years to make sure that that states do not adopt Declarations of our Rights without our agreement. This is not to say that in the end the States cannot adopt a declaration that suits them. But they will have to do it without us, and over our vehement protests.

Most states also recognize that a Declaration on the Rights of Indigenous Peoples which does not have the approval or consent of Indigenous Peoples would have very little credibility within the OAS and the UN. This is a battle we continue to fight. We can do no less for our past and future generations. ♦

For the full text of the UN Draft Declaration for the Rights of Indigenous Peoples and other information about this process, please log on to www.treatycouncil.org or to the UN web site: <http://www.unhchr.ch>.

Actualización de IITC: La Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas

La Asamblea General de Naciones Unidas declaró la Decada para los Pueblos Indígenas del mundo en 1994, y la adopción de una declaración de la O.N.U sobre los derechos de los Pueblos Indígenas fue una de sus metas indicadas. Aunque el trabajo de la elaboración de una declaración de la ONU para los Pueblos indígena había comenzado ya antes, en 1982 cuando se estableció el Grupo de Trabajo sobre Poblaciones Indígenas (WGIP), ahora se ata al Decenio que termina este año. Ahora algunos Estados están diciendo que si una declaración no se adopta este año, el proceso terminará y no habrá declaración.

El desarrollo del proyecto de la declaración actual tuvo, desde su principio, la participación activa de Estados, Expertos de la ONU y Pueblos Indígenas. Este proceso fue considerado por Pueblos Indígenas como paso esencial para el reconocimiento y la afirmación internacional de los derechos más fundamentales necesarios para asegurar su



supervivencia. En 1994, después de 12 años de un proceso de bosquejo en el cual millares de Pueblos Indígena habían participado, el WGIP terminó y aprobó el texto actual del proyecto de declaración. Lo enviaron a la Sub-Comisión para la Prevención de la Discriminación y la Protección de Minorías, quien también lo aprobó y lo envió a la Comisión de Derechos Humanos de las Naciones Unidas el mismo año.

Una vez que los 53 Estados miembros de la Comisión acepte, el proyecto de declaración todavía tiene que pasar por al Consejo Económico y Social de la ONU, y entonces a la Asamblea General de la ONU para la adopción final como una declaración

oficial de los derechos humanos de Naciones Unidas. Pero las complicaciones en estos procesos son más que una cuestión de tiempo y de la burocracia masiva de la ONU. El problema primario y la razón por la falta de progreso hacia la adopción de la declaración es la carencia de la "voluntad política" por parte de algunos de los Estados miembros de la ONU, incluyendo los Estados Unidos, Canadá, Austria, Nueva Zelandia, Japón, y Gran Bretaña entre otros. Han sido poco dispuestos a moverse lejos desde la herencia de la discriminación racial y de la colonización para aceptar a los Pueblos Indígena como sujetos de los derechos que el derecho internacional acuerda a "Todos los Pueblos". Todos los Pueblos, hemos aprendido, ¡menos los Pueblos Indígenas!

En 1995 la Comisión de Derechos Humanos creó un "Grupo de Trabajo Intersesional *ad hoc* Abierto para, en sus palabras, "la continuada elaboración" de la declaración. Los Pueblos Indígenas incluyendo IITC luchó duramente

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para su participación completa en este foro también, cuál ahora ha celebrado 10 años de discusiones.

Aunque el texto aprobado por el WGIP y la Sub-Comisión había sido aprobado por una gran cantidad de Pueblos y de organizaciones Indígenas como el "estándar mínimo" que sería aceptable, algunos Estados desde el principio lo hicieron claro que intentaban

debilitar o calificar muchas de las provisiones claves del texto. Se incluye en éstos el reconocimiento completo de los Pueblos indígena como "Pueblos" bajo derecho internacional, y las provisiones fuertes sobre los derechos a la tierra, libre determinación y derechos sobre tratados para nombrar los elementos más polémicos. Éstos también suceden ser los elementos más esenciales a los Pueblos indígena.

Este proceso no ha sido tan fácil y todavía nos hace frente a muchos obstáculos. Hasta la fecha solamente dos de los artículos del total 45 han sido adoptados provisional por el Grupo de Trabajo. Ni uno ni otro de ellos contienen el término "Pueblos Indígenas".

Ahora se nos dice a los Pueblos indígena que debemos aceptar los cambios que limitarían y disminuirían claramente nuestros derechos, o tendremos que hacernos frente con la opción de ninguna declaración, de nada. La ONU reconoce que los derechos humanos son inherentes e inalienables, y los Pueblos indígena también afirmamos que los nuestros derechos fueron concedidos a nosotros por nuestro Creador. De los Pueblos Indígenas la gran parte están de acuerdo que si se confirma el hecho triste que algunos países no están dispuestos a

reconocer incluso los derechos mínimos y esenciales para la supervivencia de los Pueblos Indígenas, no estaremos dispuestos a aceptar ninguna declaración de nuestros derechos que sea menos que este estándar mínimo, o que responde a las necesidades políticas de estados a nuestro cuenta.

El callejón sin salida continúa hasta la fecha. Debemos tomar cuenta que



"Los pueblos indígenas tienen derecho a la libre determinación. En virtud de ese derecho determinan libremente su condición política persiguen libremente su desarrollo económico, social y cultural."

- Artículo 3, Proyecto de Declaración Sobre los Derechos de los Pueblos Indígenas

un resultado muy positivo de este proceso y de las discusiones en curso en la ONU ha sido que algunos de los derechos más esenciales contenidos en el borrador se han comenzado a ser utilizados y ser reconocidas por los foros internacionales de alto nivel del la ONU, incluso los Comités Vigiladores de los Tratados, a pesar que la declaración no ha sido todavía adoptada.

La ONU ha decidido celebrar dos sesiones del ISWGDD este año, en septiembre y en noviembre. Éstas pueden en hecho ser las dos sesiones finales. Si este proceso debe ser continuado o en hecho continua y si los estados quieren contemplar la adopción de una declaración de los

derechos de los Pueblos Indígena cuál no tiene el apoyo de los Pueblos Indígenas, se verá.

La Organización de los Estados Americanos (OEA) es también una organización internacional de Estados, así como las Naciones Unidas, pero solamente para la Isla de la Tortuga, o el "continente americano". La OEA está bosquejando una declaración de los Derechos de los Pueblos Indígena. Pero el proceso para la participación de los Pueblos indígena todavía no está claro, y el bosquejo del texto sí mismo fue elaborado originalmente con la entrada muy pequeña de los Pueblos Indígenas, desemejante del texto de la ONU. Pero los mismos asuntos de la libre determinación y el control de las tierras, los territorios y los recursos naturales son los problema principales en este proceso también, y más y más Pueblos Indígenas sienten la necesidad de involucrarse y encarar los problemas del borrador.

De muchas maneras los dos procesos de proyecto de declaración en los Grupos de Trabajo de la ONU y de la OEA se vendan juntos. Los mismos estados en ambos, principalmente los Estados Unidos y el Canadá en América, en conjunto con otros en la ONU, suscitan las mismas objeciones, los mismos impedimentos a cualquier reconocimiento verdadero de los derechos Indígenas.

Los Pueblos Indígena no está solos en ambos procesos, pues algunos Estados se han hecho partidarios. Ni somos sin ninguna opinión en la materia. Hemos luchado muy fuertemente sobre un muchos años para que los Estados no adopten declaraciones sobre nuestros derechos sin nuestro acuerdo. Éste no debe decir que en el extremo los

estados no puedan adoptar una declaración que los satisfaga. Pero tendrán que hacerlo sin nosotros.

Una declaración sobre los Derechos de los Pueblos Indígena que no tiene la aprobación o el consentimiento de los Pueblos Indígena tuviera poca

credibilidad dentro del la OEA y la ONU. Es una batalla que continuamos luchando. Podemos hacer ningún menos para nuestras generaciones pasadas y futuras. ♦

Para el texto completo del Proyecto de Declaración sobre

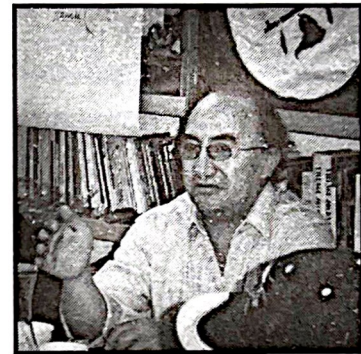
los Derechos de los Pueblos Indígenas de la ONU y otra información sobre este proceso, visite por favor a nuestra página web, <http://www.treatycouncil.org> o al sitio de la Comisión de Derechos Humanos del Alto Comisionado para los Derechos Humanos, <http://www.unhchr.ch>.

New Member of the UN Committee on the Elimination of Racial Discrimination Francisco Cali

On January 19, 2004 Francisco Cali Tzay, Maya Kaqchikel and President of the Board of Directors of the Interntaional Indian Treaty Council (IITC) began his 4-year term of office as a representative of Guatemala on the United Nations Committee on the Elimination of Racial Discrimination. This is the first time in history that an Indigeneous Person has been elected to be a member of this high level UN body. In the words of Defensoria Maya, an Indigenous organization working for the eradication of racism and discrimination against the Mayan Peoples and other Indigenous Peoples of Guatemala, Francisco's election to

the CERD committee "gives significant support to the struggle of thousands of Mayan and indigenous organizations and individuals who work on a daily basis to eradicate the structural evil of racism and discrimination."

The CERD Committee is the Treaty Monitoring Body of the Convention on the Elimination of all forms of Racial Discrimination. This Convention has been ratified by 174 Countries of the world. The CERD Committee receives and comments on the periodic State reports on their compli-



ance with the Convention and makes recommendations where it finds violations of the Convention. It can also receive and hear complaints against the State, where the State party has recognized its competence to do so. ♦

Nuevo Miembro del Comité para la Eliminación de la Discriminación Racial de la ONU Francisco Cali

En el 19 de enero del 2004, Francisco Cali Tzay, Maya Kaqchikel y Presidente de la Mesa Directiva del Consejo Internacion de Tratado Indios - CITI ---, empezo una duración de 4 años como como representante de Guatemala ante el Comité para la Eliminación de la

Discriminación Racial de las Naciones Unidas. Este es la primera vez en la historia que una person indígena ha sido elejido como miembro del dicho comité. En las palabras de Defensoria Maya, una organización indígena que trabaja por la erradicación del Racismo y la Discriminación contra el Pueblo Maya y contra los Pueblos Indígenas de Guatemala, la elecion de Fransisco "constituye un respaldo importante a la lucha de miles de hermanos y organizaciones mayas e indígenas que trabajamos a diario para erradicar este mal estructural que es el racismo y la discriminación."

El Comite CERD es el Organo Vigilador del Convenio Contra todas Formas de Discriminacion Racial. El Convenio se ha ratificado por 174 paises del mundo. El Comite CERD recibe y hace comentarios sobre los infomes de los Estados partes sobre del Convenio, y hace recomendaciones sobre violaciones del Convenio. Puede tambien recibir quejas contra el Estado si el Estado parte ha reconocido la competencia del Comite para recibirlos. ♦



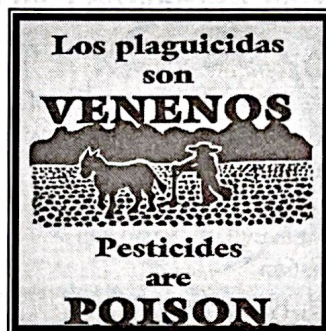
La Red de los Pueblos Indígenas del Norte y del Sur contra los Plaguicidas

En diciembre del 2001, el Consejo Internacional de Tratados Indios (CITI) coordinó una reunión de representantes indígenas con la Sra. Ouhachi-Vesely, nee Ksentini, la Relatora Especial de las Naciones Unidas, sobre el vertimiento ilícito de productos y desechos tóxicos durante su primer viaje de recaudación de pruebas en los Estados Unidos, destinado al estudio del tráfico y el vertimiento ilícitos de productos y desechos tóxicos y peligrosos y los efectos de los mismos sobre el goce de los derechos humanos.

Representantes indígenas de las comunidades y tribus afectadas, provenientes de los Estados Unidos, Alaska, México, Canadá y Guatemala presentaron testimonios y documentación para dar a conocer los graves efectos del vertimiento e incineración de los desechos, las emisiones de fuentes militares y, en especial, la exposición a plaguicidas peligrosos que contaminan el aire y las aguas y que migran, penetrando la cadena alimentaria en las distintas partes del mundo.

Estos representantes decidieron que

deben continuar intercambiando información entre sí y proporcionar una mejora educación a sus comunidades sobre esta problemática crítica de justicia ambiental y salud, por lo cual formaron la "Red de los Pueblos Indígenas del Norte y del Sur contra los Plaguicidas" como un proyecto del CITI, cuya misión era: elaborar materiales educativos orientados hacia la



comunidad; abogar por el "Derecho de Saber" de la comunidad; responder a las políticas nacionales e internacionales que permiten la exportación por parte de los Estados Unidos y otros países de sustancias prohibidas, incluso plaguicidas prohibidos y juntar testimonios de las comunidades para su presentación ante los organismos de las Naciones Unidas.

El número de afiliados en la red ha crecido; actualmente sus representantes provienen de ocho países. ♦

Para más información o para pedir una copia del manual "Los plaguicidas son venenosos", en inglés o español, comuníquese con CITI en San Francisco o escriba por e-mail a: angel@treatycouncil.org.

Andan los aviones echando químicos en el cultivo y afecta al pueblo y habitantes, pues dentro del pueblo y en las orillas se encuentran tanques grandes con químicos dañinos. A todo el pueblo aquí han fallecido varias personas. Un niño sin saber las consecuencias de lo que le iba a pasar se metió a bañar en el canal que estaban regando y tenía químico y le pegó leucemia. Otro señor falleció de lo mismo al tener el fertilizante en su casa. Un muchacho falleció el mes pasado por dormir donde se guardaban las sustancias tóxicas. El absorbía todo y no duró nada. No se pudo hacer absolutamente nada.

- testimonio de una señora de 48 años, madre de 6 hijos, de Potam Pueblo, Rio Yaqui Sonora Mexico

The North-South Indigenous Peoples' Network against Pesticides

In December 2001, IITC coordinated a meeting of Indigenous representatives with Mme. Ouhachi-Vesely, nee Ksentini, the United Nations Special Rapporteur on the illicit dumping of toxic wastes during her first fact finding visit to the US to study the illegal traffic in toxic and dangerous products and the impact on human rights. Indigenous representatives of impacted communities and tribes from the US, Alaska, Mexico, Canada and Guatemala presented testimony and documentation about the severe health and environmental effects of waste

dumping and incineration, military emissions, and especially the exposure to dangerous pesticides which contaminate the air and water, and travel to permeate the food chain around the world.

These representatives decided that they needed to continue sharing information with each other and to provide better education to their communities regarding this critical health and environmental justice issue.

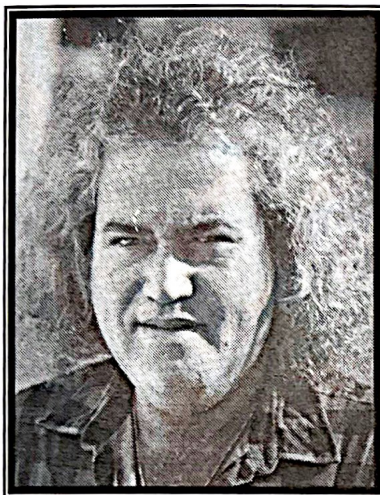
They formed the "North-South Indigenous Peoples' Network against Pesticides" as a project of the IITC to

create community-oriented educational materials, promote community "Right to Know", address national and international policies which allow the US and other countries to export prohibited substances including banned pesticides, and collect testimony from communities for submission to UN bodies. Membership in the Network has grown to include representatives in 8 countries. ♦

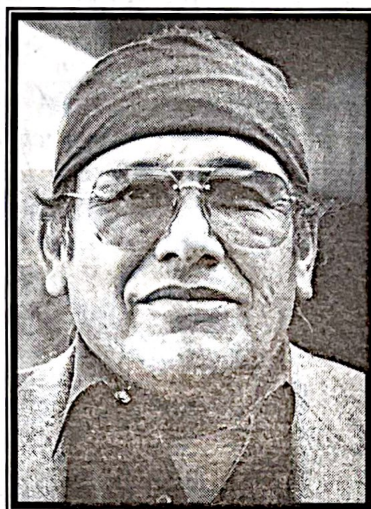
For a copy of "Pesticides are Poison" in English or Spanish, contact San Francisco IITC or email angel@treatycouncil.org.

In Memory

On our 30th Anniversary, IITC honors the ones who have left this world whose dedication, strength of spirit and hard work built this organization and advanced the cause we believe in. Their example of struggle, legacy of achievement and love for the Peoples will continues to inspire us, and those still come.



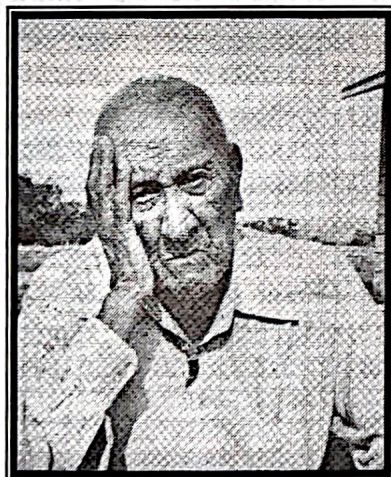
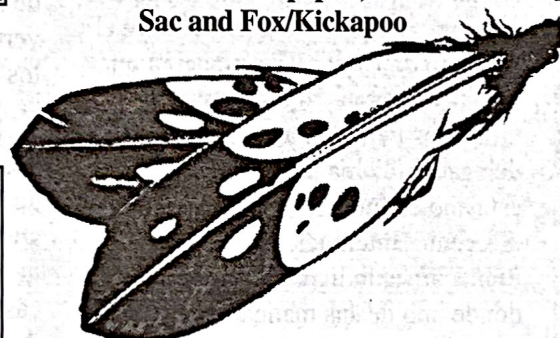
**Kawaipuna Prejean,
Hawai'ian Nation**



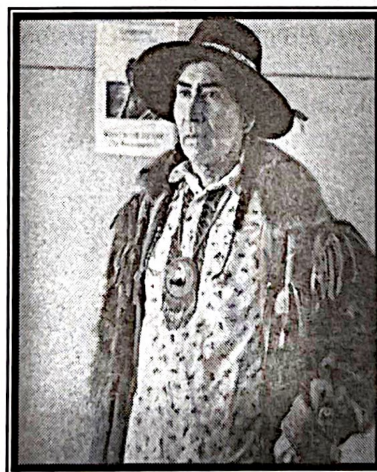
**Bill Wahpepah,
Sac and Fox/Kickapoo**



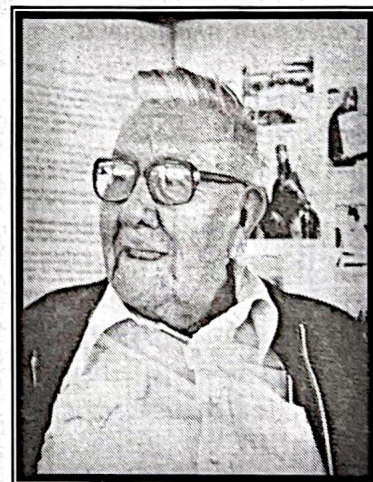
**Ingrid Washinawatok,
Menominee**



**Frank Fools Crow,
Oglala Lakota**



**Phillip Deere,
Muskogee Creek**



**Mathew King,
Oglala Lakota**

We thank them....

.....And many more

UNITED NATIONS COMMISSION ON HUMAN RIGHTS 60TH SESSION

GEVEVA SWITZERLAND—MARCH 15 – APRIL 23, 2004

COMISIÓN DE DERECHOS HUMANOS DE LAS NACIONES UNIDAS, 600. PERÍODO DE SESIONES,

Ginebra, Suiza—15 de Marzo al 23 de Abril.

During the 60th session of the UN Commission on Human Rights in 2004, the IITC credentialed 10 Indigenous delegates, and presented 16 written and oral interventions to the Commission. Following are excerpts from some of these interventions highlighting critical human rights issues facing Indigenous communities around the world. The interventions in their entirety can be found on IITC's web site: www.treatycouncil.org, in the section UN Human Rights/ Commission on Human Rights.

Durante la sesión sexagésima de la Comisión de Derechos Humanos de las Naciones Unidas en 2004, el Consejo Internacional de Tratados Indios (CITI) proporcionó credenciales para 10 delegados indígenas, presentando asimismo nueve intervenciones por escrito y cinco en forma oral ante la Comisión. A continuación se citan algunas de estas intervenciones, que ponen en relieve los problemas críticos de derechos humanos, vividos por las comunidades indígenas en distintas partes del mundo. Las intervenciones completas están disponibles en el sitio Web de CITI, www.treatycouncil.org, bajo el rubro de UN Human Rights/ Comisión on Human Rights [Derechos Humanos y las Naciones Unidas/Comisión de Derechos Humanos]

TEMA 5: LIBRE DETERMINACIÓN

Intervención oral por el Consejo Internacional de Tratados Indios/ International Indian Treaty Council y Coalition Campesina Indígena de los Pueblos del Istmo de Oaxaca Mexico

Libre Determinación para los Pueblos Indígenas; No a los Derechos de "Segun Clase"

El Consejo Internacional de Tratados Indios (IITC) hace uso de su derecho que tiene para participar en este tema de la Comisión de Derechos Humanos de Naciones Unidas, para volver a insistir en la agenda sobre el Derecho de Libre-determinación que tienen y tenemos todos los pueblos indígenas y no indígenas. Nuestra delegación llama la atención que en este año en que está por concluir el "Decenio Internacional de las Poblaciones Indígenas del mundo", donde uno de sus mandatos es la adopción de la "Declaración de Naciones Unidas sobre los Derechos de los Pueblos Indígenas", no hemos logrado avances sustanciales, toda vez que existen gobiernos dentro del "Grupo de Trabajo" encargado especialmente para ese efecto, que se oponen a la adopción de la Declaración, tal como ya fue adoptado por la "Subcomisión".

Para nosotros y estamos convencidos que lo es también para los gobiernos, la libredeterminación es un derecho humano de todos los pueblos. Teóricamente todos coincidimos así; el problema para reconocer el derecho de libre-determinación para

los pueblos indígenas es, desde nuestro punto de vista, de carácter político.

... Los pueblos indígenas rechazamos totalmente esa visión y ese intento de estos gobiernos, pues no existe legislación internacional que establezca las categorías de pueblos de "primera" y "segunda" clase. Porque para nosotros los pueblos indígenas, el Derecho de Libre-determinación es el elemento fundamental para reconocer la existencia de un pueblo. Por esa razón el Derecho de Libre-determinación establecido en el Art.3 de la "Declaración", es el eje vertebral sobre el que se desarrollan los demás artículos de la misma.

....Pero así mismo reconocemos las posturas de una cantidad importante de gobiernos que sí están a favor de adoptar la Declaración tal como lo ha hecho la "Subcomisión", como en el caso de México, pero también quiero decir que este mismo país le hace falta reconocer esos derechos en sus propias leyes. El gobierno de México está emplazado por las recomendaciones que emite el propio relator especial para los pueblos indígenas el Sr.

Rodolfo Stavenhagen en su informe, cuando señala que debe realizarse una nueva reforma constitucional que retome los "Acuerdos de San Andrés" suscritos por el gobierno mexicano y el EZLN en 1996, para lograr el reconocimiento pleno de los derechos de los pueblos indígenas de México.

... Por lo anterior, reitero la preocupación que al final del "Decenio Internacional para las poblaciones indígenas", no se tengan avances sustanciales para la adopción de la Declaración debido a las actitudes de algunos gobiernos de presentar una cantidad de propuestas de enmiendas que menoscaban los derechos y las aspiraciones contenidas en la propia Declaración, en consecuencia hago mías las palabras de mis hermanos indígenas cuando señalan "A nuestro respetuoso parecer, el proceso que establezca las normas no puede funcionar coherentemente si seguimos recibiendo una avalancha de propuestas de enmienda que no respetan los objetivos sobre derechos humanos del Grupo de Trabajo, la Carta de las Naciones Unidas y los valores, principios y normas fundamentales del derecho internacional". Por esta razón insto a la Comisión de Derechos Humanos, para que una vez más exhorte a los gobiernos a apegar a estos principios y hagamos un esfuerzo para que en la próxima sesión tengamos avances sustanciales en la adopción del mayor número de artículos de la Declaración y poder entonces acordar una ampliación del plazo del Grupo de Trabajo para que concluya con su mandato.

Mientras tanto, asumimos las palabras de nuestros hermanos zapatistas de Chiapas, cuando dicen "solo en resistencia y en rebeldía podemos ir construyendo nuestra autonomía como pueblos indígenas, porque no esperamos de los malos gobiernos permiso para que los pueblos indígenas podamos vivir con libertad y con autonomía. Sólo si los pueblos indígenas de Chiapas, de México y de todo el mundo tomamos en nuestras manos y nuestra libertad

para construir y fortalecer nuestra autonomía, no hay por qué tener miedo para hacerlo porque estamos protegidos por las leyes y acuerdos nacionales e internacionales."

TEMA 6: DISCRIMINACION RACIAL EN EL MUNDO

Intervencion Escrita De CITI

Racismo Sigue Contra Los Pueblos Indígenas del Mundo

...Son innumerables las denuncias de miembros y comunidades de los Pueblos Indígenas que se pronuncian en contra del despojo de sus tierras, territorios y recursos naturales por parte de gobiernos y personas



IITC Delegates: Saul Vicente, Bill Simmons and Lenny Foster

privadas; de la exclusión de las políticas nacionales; de vedar el acceso al derecho laboral y si logran acceder, sus salarios son salarios de hambre y miseria; miles de niños de hambre y desnutrición y esto se refleja en datos estadísticos que indican que los Pueblos Indígenas son los más pobres entre los pobres y esto se puede constatar en Guatemala, para mencionar un ejemplo.

Existen a diario violaciones a los derechos culturales, lingüísticos, espirituales, educativos, políticos, jurídicos, y otros derechos que, por la

falta de visión y voluntad política de los Estados continúan con practicar raciales y discriminatorias.

Los gobiernos que han tomado la decisión de impulsar la Globalización Económica o en el Tratado de Libre Comercio a niveles regionales, jamás han consultado a los Pueblos Indígenas para fijar las formas o mecanismos de beneficio para dichos Pueblos o si los mismos Pueblos Indígenas desean participar en dichos tratados. No obstante, los resultados de la globalización y los Tratados de Libre Comercio son nefastos para los más pobres y para los indígenas. Es importante mencionar que las situaciones graves de destrucción por genocidio y etnocidio contra los Pueblos Indígenas afectan en mayor impacto a mujeres, niños, ancianos y jóvenes.

Cabe afirmar que ha sido muy alentador para nuestros Pueblos de que la ONU y otros órganos mundiales han asumido compromisos para erradicar el racismo y la discriminación. También así fueron recibidos: el Plan de Acción y la Resolución de Durban, porque los Estados asumieron un compromiso firme y sustancial para combatir el racismo en todas las esferas y sobre todo, hacer transformaciones políticas, jurídicas y legislativas, así como procesos de información y educación para terminar con una realidad dolorosa para más de 300, 000,000 de seres humanos en el mundo.

Sin embargo, revisando los acontecimientos del 2001 para marzo del 2004, nos causa preocupación, indignación y rechazo por la indiferencia de la mayoría de Estados frente a la realidad de exclusión, sometimiento, esclavitud, opresión, explotación,

Cont. on Page 14

Cont. from Page 13 despojo y
usurpación que a diario sufren los
Pueblos Indígenas.

El CITI también manifiesta esta preocupación frente a la costumbre internacional de aprobar convenios, resoluciones, declaraciones y no las cumple. Todo esto va en detrimento de los Pueblos Indígenas, pero al mismo tiempo, alcanza a toda la humanidad. Por ejemplo, se desconoce hasta el momento, cuántos Estados han adoptado medidas para diseñar políticas e implementar el plan de Durban

Sin embargo y entendiendo la complejidad del problema, el Consejo Internacional de Tratados Indios valora positivamente las acciones emprendidas por las Naciones Unidas y algunos Estados durante las 3 décadas de combate al racismo, la discriminación, la xenofobia y las formas conexas de intolerancia, y se debe seguir alentando a los Estados miembros de la ONU, los Pueblos Indígenas, las ONG's, la Sociedad Civil en general para retomar urgentemente los principios y acciones que se derivaron de la Conferencia Mundial de Durban y la implementación concreta de los instrumentos nacionales, regionales e internacionales relacionados con el tema del racismo...



AGENDA ITEM 9: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

IITC Written Intervention Violence Against Indigenous Peoples Brazil, Ecuador and Botswana

...In Brazil, in theory, Indigenous peoples enjoy a wide array of institutional protections from human rights abuses. In reality, there is a shocking pattern of organized violence organized an estimated 400,000 Indigenous men, women and children, now less than one percent of the country's total population. Violations of human rights and fundamental freedoms against the 200 Indigenous Nations in Brazil is compounded by delays in the federal process for legalization of Indigenous territories, or "demarcation," fiercely opposed by landowners.

2003 saw the summary execution of more than 20 Indigenous leaders, in addition to numerous assassinations and attempts against the lives of supporters. Cases of violence against Indigenous Peoples, including killings, are rarely prosecuted, and prosecutions seldom end in convictions because of the undue influence of local authorities and powerful land-owning elites over trials affecting their interests.

...In Ecuador, it has been recently reported by NGO's that the community of Sarayaku (Pastaza) has declared a state of emergency in an attempt to defend itself against further exploitation of oil in their homelands. Their decision stems from an agreement made by President Lucio Gutierrez and Mr. Carlos Arboleda, Minister of Energy and Mines on January 18, 2004 to "respect the contract with the Compania General de Combustibles (CGC), concessionary of Block 23", permitting seismic prospecting studies to determine whether there is oil in the zone.

The president of Sarayaku, Marion Santi, denounced the military presence with the creation of camps near Molino's pro-oil communities, and demanded the military's immediate withdrawal from the area. The company CGC is seeking support from the government and the military for the security of their workers. The deadly formula is being set for another confrontation in violation of the human rights and fundamental freedoms of the Sarayaku Peoples. The IITC calls on the Ecuadorian government to establish and make available mechanisms for conflict resolution, and on the Special Rapporteur on Indigenous Issues to monitor and intervene as a matter of urgency.

...Finally, with regard to Botswana, the "Bushmen" Gana, Gwi and Bakgalagadi Peoples of the Central Kalahari, the oldest inhabitants of southern Africa, and are a homeless peoples. Their lands were systematically invaded by white colonists over the last few hundred years and today the Botswana government has continued to force them off their land. The harassment began in 1986, and the first forced removals were in 1997. Those that remained faced torture, drastic restrictions in their hunting rights, and routine harassment.

In early 2002, these violations of human rights and fundamental freedoms intensified, accompanied by the destruction of the Bushmen's water pump, the draining of their existing water supplies into the desert, and the banning of hunting and gathering. Today the situation continues to be dire and their survival in question.

The IITC calls on the Botswana government to adhere to and respect the human rights and land rights of Bushman Peoples, to allow the Gana,

Gwi and Bakgalagadi Bushmen to remain on their traditional homelands and to recognize their land rights in accordance with international law, so that they can continue to live as they have chosen to since time immemorial.



AGENDA ITEM 10: ECONOMIC, SOCIAL AND CULTURAL RIGHTS, IITC

Written Intervention

Mining Impacts the Right to Food and the Sacredness of Water: Big Mountain Arizona and Spirit Mountain Montana

The Right to Food is a human right recognized in many international instruments. Article 1 in common of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR), states that all peoples, by virtue of their right to Self-Determination, may freely pursue their own economic, social and cultural development, and freely dispose of their natural wealth and resources. It also states that, "in no case may a people be deprived of its own means of subsistence."

... During the 59th session of the UN Commission on Human Rights, Traditional Elder Kee Watchman, Dineh (Navajo) of Cactus Valley/Red Willow Springs Sovereign Community of Big Mountain, Arizona, USA testified that his People traditional lands and waters are under threat from Peabody

Western Coal Company as well as the United States government and Bureau of Indian Affairs, which plan to extend strip-mining in the area.

"Water is life... to Indigenous cultures and to many other cultures of the world, water is sacred," he said, explaining that his People's aquifer is in danger because Peabody Western Coal Company has been pumping its waters for over 30 years to slurry coal over 287 miles away to generating stations that provide electricity to large cities. "More than 3 million gallons of water is pumped from our homelands every day for this slurry," he added. "Our sacred springs are drying up now, and our sheep can't find water to drink and our corn needs the water to grow." In January of this year Mr. Watchman submitted additional testimony to the IITC stating that contaminated water from mine run-offs have now destroyed the wild onions, garlic and spinach plants used for food as well as plants used for medicine in the Blue Canyon area near his community.

Profound relationships exist between Indigenous Peoples and the animals and plants that are central to their respective, traditional food systems. Indigenous communities throughout California, rely on the local waters and fish. Yet by 1999 a total of 13 Northern and Central California bodies of water were the subjects of fish consumption advisories due to contamination caused by hundreds of tons of mercury contamination, a toxic legacy of California Gold Rush.

...James Main, Sr., a White Clay (Gros Ventre) elder from Montana, USA provided information in for a case study submitted by the IITC to the Convention on Biological Diversity COPS 7 in Kuala Lumpur about the spiritual value of the Fur Cap or Little Rocky Mountains in his

homeland, and the devastation wreaked there for 20 years by the heap leach cyanide extraction process of the Pegasus Gold Mine.

"Some of [us] got power up there, you know, for healing and helping people... but they poisoned it, you know. People used to haul water out of there in barrels, go up there with a team of horses, their wagons, fill their barrels, real nice cold clear water. Lots of fish in there, trout." He adds, "All that, they just destroyed it, all the grasses, all the plants and killed the deer. They poisoned deer in those [cyanide] pits. They found a lot of dead deer and deformed deer. Birds, they say that when they come to work at those settling ponds there'd be dead ducks, so they'd shoot them with a .22 so they'd sink you know, wouldn't be floating on the surface."

AGENDA ITEM 10: ECONOMIC, SOCIAL AND CULTURAL RIGHTS, IITC ORAL INTERVENTION



*Denials of Land, Natural Resources
and Cultural Rights for Indigenous
First Nations in Canada*

The Declaration on the Right to Development, adopted by the General Assembly in 1986, places a duty upon states to ensure that all Peoples, including Indigenous Peoples, "are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized".

...The reality for Indigenous Peoples in Canada is reflected in the current struggles they are undertaking to protect their lands and resources. In Northern Ontario, the Anishnaabe Nation of Grassy Narrows has put up blockades, engaged in non-violent protests and court

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action against Abitibi-Consolidated, the pulp & paper company clear-cutting trap-lines on their lands. They have documented oil spills from logging equipment and waste logs left to rot. They also suffered one of the worst cases of mercury poisoning ever documented from eating fish contaminated by pulp mills in their territory over twenty years ago.

In British Columbia the Secwepemc People of Skwel'kwel't are struggling to stop the expansion of Sun Peaks Ski Resort and Delta Hotels on their territories, which they never ceded, released, nor surrendered. Sun Peaks resort expansion is causing irreparable damage to the land, watersheds, vegetation & wildlife, seriously impacting their health, culture, subsistence and survival. The state-party protects commercial, over Indigenous interests. In June 2001, the BC Government obtained a court injunction to forcibly remove Secwepemc from their lands, resulting in confrontations, arrests and destruction of sacred objects by police.

We urge you to take consider the recent report of Special Rapporteur, Madam Erica Daes, reflecting the expertise on this subject within your own Sub-Commission, (E/CN.4/Sub.2/2003/, 21 July 2003). It concluded that "the meaningful political and economic self-determination of indigenous peoples will never be possible without indigenous peoples' having the legal authority to exercise control over their lands and territories and thereby enjoy the full economic and other benefits deriving from their natural resources".

Sadly, such effective recognition of our fundamental human rights has still not been achieved in our

homelands or here at the United Nations

AGENDA ITEM 11, CIVIL AND POLITICAL RIGHTS

American Indian Prisoners Deiced Freedom of Religion; Sacred sites and Way of Life Threatened by Energy Development in Alaska



a) Persons under detention

In January 2003 testimony was presented at US Civil Rights Commission Hearings in Albuquerque New Mexico addressing violations of the spiritual, cultural and religious rights of Native Prisoners in the US federal and state prison systems. Leonard Foster, Coordinator of the National Native American Prisoners Rights Advocacy Coalition, Director of the Navajo Nation Corrections Project and Board Member of the IITC testified that prisons in Arizona, California, Texas, South Dakota, Montana, Kansas, Colorado, Utah, Minnesota and New Mexico continued to violate religious freedom provisions mandated for American Indian prisoners by both US and international law.

In November 2002, Mr. Foster presented similar violations to the US Department of Justice Civil Rights Division in Washington DC, including:

a) denials of access to traditional ceremonies b) lack of equal access to religious and spiritual leaders; c) lack of equal access to religious items; d) denial of the right to wear long hair or traditional hair style according to the religious customs of respective Indian Nations; e) denials of access to ceremonial foods; f) transfer to state facilities where American

Indian religious practices are prohibited and; g) denial of access to traditional counseling and ceremonies, including requested last rites ceremonies for American Indian inmates on Death Row.

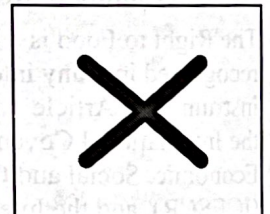
Both Federal Agencies committed to investigate and address these problems, but to the knowledge of those involved, nothing has been done to date. Since that time, the IITC and the National Native American Prisoners Rights Advocacy Coalition have received reports of new and continuing violations, including State of California Department of Corrections "grooming regulations" mandating forced hair-cutting despite requests for religious exemptions for Native prisoners, and continued denial of sweat lodge ceremonies by the Texas Department of Corrections...

e) Religious Intolerance

The extensive influence of corporate energy and other economic

interests on the current US administration creates pressure on all political processes in the US, resulting in unprecedented rates of ongoing and planned destruction of Indigenous Peoples' sacred sites.

....Multi National Oil Companies, the Bush Administration, State of Alaska, and US Department of Interior continue to infringe upon the rights of the Gwich'in Nation by seeking oil development of the coastal plain of the Arctic National Wildlife Refuge. The coastal plain of the Arctic National Wildlife Refuge is the birthplace and nursery for the Porcupine Caribou Herd. The Gwich'in call this place *Iizhik Gwats'an Gwandaii Goodlit*, "The



Sacred Place Where Life Begins”.

The Gwich'in Nation of Northeast Alaska and Northwest Canada rely upon the Porcupine Caribou Herd to meet their primary physical, cultural, spiritual and social needs. Their creation story tells how the Gwich'in Nation came from the caribou, and that an agreement was made so that *“The Gwich'in would retain part of the caribou heart and the caribou would retain part of the Gwich'in heart for all time”*



Gwich'in Girl, Arctic Village

The Gwich'in continue to practice the songs and dances expressing their profound and unbreakable spiritual connection to the caribou. They believe that if the caribou are gone, the Gwich'in will be gone

The Gwich'in Nation anticipates that Arctic Refuge drilling will be attached to the US Budget bill in 2004. The Gwich'in call upon the US Congress to uphold its legal obligations to defend Freedom of Religion and human rights by instead enacting permanent protection of the coastal plain of the Arctic National Wildlife Refuge.

....The IITC calls upon this Commission to recognize that once the destruction of Indigenous Peoples' sacred sites occurs it is too late to provide a remedy. We call upon the Commission to provide enforcement for the Human Rights instruments, Covenants, Conventions and

Declarations which insure Freedom of Region and Cultural Development for all persons and Peoples without discrimination, before such cases of irreparable harm can occur.

AGENDA ITEM 13: RIGHTS OF THE CHILD

IITC Written intervention

Export of Banned Pesticides and Health Effects in Yaqui Indian Communities in Sonora Mexico

“Industrial countries such as the US continue to allow the export of toxic chemicals, including those which have been banned for use in their own countries, to developing

“The airplanes spray chemicals on the crops, and it affects the town and its inhabitants. In and around the whole town there are large tanks holding hazardous chemicals. Many people have died here. One little boy did not understand the serious consequences; he went swimming in a canal when they were spraying, and it had chemicals. He got leukemia. Another man also died from the same disease because he had fertilizers in his house. A young man died last month because he slept where they stored toxic substances. He absorbed it all, and he didn't last long at all. Nothing could be done to save him”.

Following is a translated excerpt from testimony submitted by a 48 year old mother of 6 from Potam Pueblo, Rio Yaqui Sonora, dated October 19, 2003:

countries such as Mexico and Guatemala. The International Journal of Occupational and Environmental Health noted that between 1996 and 2000, the US exported nearly 1.1 billion pounds of pesticides, an average rate of almost 16 tons per hour, identified as known or suspected carcinogens. They were

sent mainly to developing countries for agricultural use. The International Labor Organization estimates that 65 to 90 percent of the children working in Africa (80 million), Asia (152 million) and Latin America (17 million) work in agriculture. They are often continuously exposed to pesticides in the fields, from water, through their clothing and in their homes, found in women's breast milk and in the [umbilical] cord blood of newborn infants, resulting in increasing levels of serious developmental problems and cancers.

AGENDA ITEM 15, INDIGENOUS ISSUES, IITC WRITTEN INTERVENTION

Treaties, Agreements and Constructive Arrangements between States and Indigenous Peoples: the Position of the US and Canada

Recently, at the Workshop on the Study on treaties, agreements and other constructive arrangements between States and Indigenous Peoples, Canada admitted that their Supreme Court mandated treaty negotiations with Indigenous Peoples were premised, on the part of the State, on the extinguishment of Aboriginal title. This insistence on agreed to theft prior to any negotiations with Canada's Indigenous Peoples is reflected in their and Australia's proposal, as well as the discussion on Article 36, found in the President's report.

The United States, at this same OHCHR sponsored workshop on treaties, stated that the problem of treaty disputes was best left to domestic remedies. This reflects their and a few other States' opposition to the Sub-Commission text Article 36. This, in spite of the Organization of American States Human Rights Commission finding in the Dann case (2002), that these same domestic

Cont. Page 18

Cont. from Page 17 remedies had violated various human rights and fundamental freedoms of the Western Shoshone, in fraudulent and coercive ways. Canada's and the United States attempt to domesticate essentially international agreements, as found by the Special Rapporteur on treaties, is also reflected in their positions at the Working Group on the Draft Declaration.

The United States also fought the inclusion of the proposition that Indigenous Peoples' lands should not be taken away from them, in the Declaration and Programme of Action, as well as the Prepcoms, of the World Conference Against Racism. It was a phrase that had been stated in both previous United Nations conferences on Racism. And once they had succeeded in their task, they walked out of the WCAR. This persistent attitude of opposition to fundamental Indigenous rights does not auger well for the United Nations Declaration on the Rights of Indigenous Peoples.

The good faith of these States is called into question by these actions and positions in other fora. They reflect a great mistrust if not rejection of established human rights standards. We have cited these standards to this Commission in previous interventions, as well as at the Working Group. They include standards and jurisprudence established by the treaty monitoring bodies of the International Covenant on Civil and Political Rights and the Convention on the Elimination of all Forms of Racial Discrimination. We can expect no lesser standards in the United Nations declaration on the rights of Indigenous Peoples, particularly when the States most vocal in their opposition to the recognition of the collective rights of Indigenous Peoples are States Parties

to these important, well established, Covenant and Convention...



AGENDA ITEM 17, PROMOTION AND PROTECTION OF HUMAN RIGHTS

*Written intervention by the IITC and
Indigenous Environmental Network
(IEN)*

(c) Science and Environment Impacts of Global Warming and Climate Change

Indigenous peoples of the Americas and around the world are witnessing the ecosystems of Mother Earth compounding in change, with devastating impacts on our lands, ecosystems and ways of life. We are in crisis.

Global warming poses significant threats to Indigenous and local communities from the Arctic, the South, the Pacific Islands and every region of the world. Indigenous Peoples are already feeling impacts in the form of heat waves, drought, shrinking water supplies and snow packs, increased rates of asthma, floods and storms, coastal erosion, island land loss, and shrinking numbers of traditional plant, fish, animal and bird communities. Climate imbalance will cause the greatest suffering to the Indigenous Peoples and most pristine ecosystems globally.

...Fossil fuel extraction activities are often located within homeland areas of Indigenous Peoples. Cultural impacts, forced removal, land appropriation, destruction of sacred

and historically significant areas, breakdown of Indigenous social and sustainable economic systems, and violence against women and children are too often the outcomes of fossil fuel development on Indigenous Peoples.

The IITC, IEN, other Indigenous NGO's and many Indigenous Peoples view the continued mining, drilling, processing, burning and combustion of oil, gas, and coal, as well as other mineral extractions and deforestation activities as being in direct conflict with international human rights norms and principles. They are a direct threat to Indigenous Peoples' self-determination, cultural rights, food security, and raise grave concerns regarding issues of religious intolerance...

AGENDA ITEM 17, PROMOTION AND PROTECTION OF HUMAN RIGHTS,

IITC Oral intervention

(b) Human Rights Defenders

Leonard Peltier

The United States (U. S.) presents itself to the world as a government based upon the fundamental protections of fairness and justice. Through its Constitution, Bill of Rights and its structures of its judicial system, the United States asserts that all persons within its borders shall be provided protections of justice, fair trial and impartial tribunal.

On the contrary, these basic protections have been trampled by internal security agencies of the government, transforming the U. S. judicial system into a tool of political repression against those who raise fundamental criticisms against its foreign and/or domestic policies.

The U. S. Senate Committee aka: the

Church Committee, reported that the goals of the Counter INTELigence PROgrams, COINTELPRO, from the period of the 1950's to the mid-1970's were to "expose, disrupt, misdirect, discredit, or otherwise neutralize" those persons or organizations that the U.S. Federal Bureau of Investigation (FBI) decided were "enemies of the state".

In 1981, Amnesty International called for a Commission of Inquiry into the Effect of Domestic Intelligence Activities on Criminal Trials in the U.S. A., citing the case of Leonard Peltier, a leader of the American Indian Movement (AIM) as a graphic example.

Four years after Leonard Peltier's 1977 conviction for shooting two U.S. FBI agents in a shootout on the Pine Ridge Reservation in South Dakota, a lawsuit against the U.S. government forced the disclosure of over 12,000 pages of previously-suppressed documents on the investigation of the agents' deaths. Recently and additional 30,000 pages have been released. These documents show that the U.S. government fabricated the physical evidence used to convict Mr. Peltier.

The documents also revealed that the U.S. government specially intended to target and undermine the American Indian Movement (AIM) and leadership through infiltration, disinformation, arbitrary arrests and violence, a campaign justified by governmental domestic security operations, purportedly to stop "terrorism". At that time AIM was the primary organization working on a national level to protest Treaty Violations, police brutality, forced sterilization, cultural repression, racism and other human rights abuses perpetrated by the U.S. government against the American Indian peoples. AIM was raising positive national and international attention and world

support for its efforts to bring to light, the just demands of the traditional Indian Nations, specifically the case of Leonard Peltier who has been in prison for the last 28 years.



The United States government admitted 12 years after his conviction that there is no proof that Leonard Peltier killed the agents. Leonard is currently serving two consecutive life sentences for a crime he did not commit, covered up by a judicial system used for the imprisonment of political activists targeted by the intelligence and security agencies of the United States. The government's prosecution of this case succeeded partly because of its public media campaign that AIM was an illegitimate and violent group, creating the climate to support the conviction of one of its members for murder.

...Mr. Chairman, recently, charges were filed by the United States against two individuals, John Graham and Arlo Looking Cloud, for the murder of Anna Mae Pictou, an AIM activist killed in 1975, during the time of the FBI's persecution of Leonard Peltier.

A recent trial convicted Arlo Looking Cloud in aiding and abetting in the death of Anna Mae Pictou. Mr. Looking Cloud was defended by a public defender, who refused offers of expertise and allowed evidence and testimony without cross-examination, and through this trial, again creating a public media campaign using the judicial system against Mr. Peltier without Peltier's attorney having opportunity to rebutt.

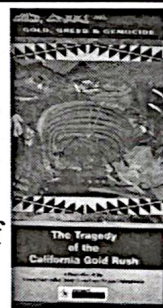
John Graham, also charged with the murder of Anna Mae Pictou, is currently fighting extradition from Canada to the United States.

Critical questions raise serious doubts about the United States government's true intentions regarding this case. Why did the government wait so long? Most importantly, why haven't the FBI's domestic security operations against AIM during this time period been investigated for their possible complicity in her death? Justice for Anna Mae demands that COINTELPRO activities and the FBI's role in her death be thoroughly investigated.

It is in this climate of terror and 500 year history that the American Indian Movement and Indigenous Peoples struggle to maintain our self-determination, protect our human rights, dignity, and self respect and our rightful place in the world community. It is for our ancestors, those who have gone on before us and our unborn generations that we are here today and we call upon the Working Group on Arbitrary Detention take up the case of Leonard Peltier. ♦

Addressing Racism in Education: Available at IITC!

'Gold, Greed and Genocide' Video and Study Guide: Truth of the California Gold Rush, from the California Native perspective.



For a copy of this video and study guide or for more information about Native Youth for Human Rights and Environmental Justice or the Truth in Education Project contact IITC's San Francisco Office.

International Indian Treaty Council ~ *Consejo Internacional de Tratados Indios*

Mission & Objectives

Mission

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, Traditional Cultures and Sacred Lands.

Objectives

- To seek, promote and build official participation of Indigenous Peoples in the United Nations and its specialized agencies, as well as other international forums.
- To seek international recognition for Treaties and Agreements between Indigenous Peoples and Nation-States.
- To support the human rights, self-determination and sovereignty of Indigenous Peoples; to oppose colonialism in all its forms, and its effects upon Indigenous Peoples.
- To build solidarity and relationships of mutual support among Indigenous Peoples of the world.
- To disseminate information about Indigenous Peoples' human rights issues, struggles, concerns and perspectives.
- To establish and maintain one or more organizational offices to carry out IITC's information dissemination, networking and human rights programs.



Declaration of Proposito e Objectivos *Declaración de propósito del CITI*

El Consejo Internacional de Tratados Indios (CITI) es una organización de Pueblos Indígenas del Sur, Centro, Norteamérica y del Pacífico; que trabaja por la soberanía y la libre determinación de los Pueblos Indígenas, asimismo, por el reconocimiento y la protección de los derechos de los indígenas, los tratados, sus culturas tradicionales y las tierras sagradas.

Objetivos

- Representar, promover y fortalecer la participación oficial de los Pueblos Indígenas en la Organización de las Naciones Unidas y en las agencias especializadas de dicho organismo, también en otros foros internacionales.
- Obtener el reconocimiento internacional de los tratados y acuerdos entre los Pueblos Indígenas y los distintos Estados.
- Apoyar la lucha por los derechos humanos, la autodeterminación y la soberanía de los Pueblos Indígenas rechazando el colonialismo en todas sus formas y los efectos que éste tiene sobre los Pueblos Indígenas.
- Fortalecer la solidaridad y relaciones de apoyo mutuo entre los pueblos indígenas del mundo.
- Difundir la información sobre la situación de los derechos humanos de los Pueblos Indígenas, sus luchas, inquietudes y perspectivas.
- Establecer y mantener una o más oficinas de la organización, para llevar a cabo los programas de información, difusión sobre derechos humanos y del trabajo de relaciones.

Address Correction Requested

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