



WESTERN SHOSHONE DEFENSE PROJECT

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OAS Special Session

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Oral Intervention by Carrie Dann, Western Shoshone, (United States)

Mr. President, Working Group on the Draft American Declaration on the Rights of Indigenous Peoples;

Good morning Mr. President. My name is Carrie Dann. I am a Western Shoshone grandmother and traditional person. Western Shoshone people continue to live on and use our ancestral lands, located in the United States. I am going to speak on Section 5, Article Eighteen generally with regard to the right to property as a human right and paragraph 4 specifically regarding effective legal frameworks. Our hope today is to assist in this process, using our story to guide others and to encourage States to remedy the ongoing wrongs against indigenous peoples through fair legal process guaranteed by strong international standards.

In 1993, my sister Mary and I filed a petition before the Inter-American Commission on Human Rights based on actions that were – and continue to be - taken against us as indigenous people by the United States. We were joined in our petition by other Western Shoshone communities and the traditional Western Shoshone National Council. In the United States currently there is no equal protection for indigenous rights to property. In the Tee-Hit-Ton case of 1955, the U.S. Supreme Court decided that indigenous peoples do not have the same constitutionally protected rights to property as other people. Using an unfair claim process, the United States now attempts to deny us use of our traditional lands and is allowing for widespread destruction of these lands. Land which we see as our mother earth. The United States is allowing multinational corporations to steal the water from our lands for gold mining, and the U.S. now plans to transport and store nuclear waste in our sacred Yucca Mountain. All the while they are destroying our sacred lands, they are denying us the ability to hunt, fish, gather our medicinal plants and graze livestock in order that we may continue our ability to be Western Shoshone people and to survive in the economic system that surrounds us today.

Just last month, the Inter-American Commission published its final decision finding that the U.S. is in violation of our rights to property, to due process and to equality under the law. We sincerely hope the U.S. will comply with this decision that calls on the U.S. to provide us a fair legal remedy. So far, there has been no dialogue and no attempt to discuss remedies. Rather than talk to us about ways to remedy this situation, the United States through its Bureau of Land Management has taken aggressive actions through seizure of our cattle last September and seizure of our horses just last week. They have told us they will be back.

But we are not here to make a new complaint, we are here to thank this Working Group for the work you are doing and to provide personal insight into the drafting of the declaration. The wrongs being committed against us as indigenous people in the United States are similar to wrongs being committed against indigenous peoples around the world and across this hemisphere. The United States says our claims are not human rights issues. The Inter-American Commission disagreed. We are grateful. We call upon the States' representatives to fully



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consider their understanding of the right to property in regard to indigenous peoples. The right to property for indigenous peoples MUST be understood as a fundamental human right – without it our right to self-determination and to exist as a people dies. Some States may wish to limit human rights discussions only to those cases where people are physically dying and sweep under the rug situations where peoples are being deprived of their lands through coercion and fraudulent legal processes. Can we compare physical death with spiritual death? You can give up your life for what you believe in, but you can't give up your beliefs because it ties you to the earth and the earth is our mother and our life. Indigenous peoples were killed physically, in large numbers, in the late 1800's and early 1900's – now we face spiritual death. If we are going to get it right, the significance and the fundamental human rights nature of these issues must be recognized and developed in this Declaration.

With respect to the use of the term “effective legal framework”, we agree with the United States that the States need to keep on learning from experience. We call upon the States during their negotiations to review past examples of claims processes and to evaluate, in good faith, both the negatives as well as the positives, so that we can move forward rather than remain stalled in our development of documents protecting our peoples. We recommend that the language of paragraph four be expanded to include provision that the legal framework be fair and encompass all necessary judicial, legislative, administrative and any other measures to effectively promote and protect indigenous peoples rights to their land, territories and resources.”

Mr. President, I listened closely to the statement made by the U.S. representative today. There was much emphasis on “getting it right” and consideration of new dynamics of working together. It is not too late for the United States and all the other member states of the OAS to take remedial legal action when legal tribunals and human rights bodies find their governments in violation of indigenous human rights. In this Declaration, States should guarantee that they will always provide due process, equal protection and effective legal remedies to uphold the property rights of all indigenous peoples.

Thank you for allowing me to speak.