

Lipan Apache Women Defense / Apache Nde Nnee Working Group /
International Organization for Self-Determination and Equality (IOSDE)

EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES (EMRIP)
UNITED NATIONS, JULY 2016, GENEVA SWITZERLAND

Item 5: Study & advice on the right to health and indigenous peoples, with a focus on children and youth

Overview:

The Lipan Apache Women Defense, Apache Nde Nnee Working Group, and International Organization for Self-Determination and Equality (IOSDE) recommend and advise the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to include into the current study's report and research for future studies the following issues regarding the right to health of Indigenous Peoples, with a focus on children and youth:

1. In 2015, community members of the San Carlos Apache Tribe studied and found chemical contamination of -2-4-5-TP herbicides, also known as Agent Orange, which was sprayed upon the waterways prior to the Vietnam war. This poisoning toxic adversely affects the future of the youth, and more thorough studies must be made on herbicide, pesticide, chemical and toxic contamination, with special attention on Dow Chemical and Monsanto Corporations as well as their connections to the Nation States and State/corporate crimes. Dow Chemical and Monsanto corporations have been actively engaged in what constitute criminal activities. The adverse effects of chemicals found in the San Carlos waterways are duplicated elsewhere in studies in which chemicals have been applied to food products. Fenoprop or -2-4-5-TP was commonly used in herbicides, however it was banned in the USA as an herbicide as of 1985, due to its toxicity as hazardous for human health and environment. A related thorough study still needs to be conducted to assess the damage in San Carlos waterways. Now, new products of chemical pesticides and herbicides, most notably glyphosate (commercial name Roundup), are being propagated without full assessment of risks by agrochemical and biotech corporations.
2. Previously in 2012 at the EMRIP, Dr. Margo Tamez, currently based at the University of British Columbia, submitted a 134 page study conducted with the Ariel Dulitzky of the University of Texas School of Law. The study detailed the intense health and wellness impact of the US border wall against Lipan Apaches, Kickapoo, and Tigua Isletas in addition to many Indigenous migrants who live along the Texas/Mexico border entirely under a militarization policy.
3. Subsequent to Dr. Tamez's report, Dr. Tamez conducted further studies in the Lipan Apache community on the question of why Indigenous Women refuse dispossession in the context of the US/Mexico border wall and the spiritual, cultural, social, and economic destructive impact on Lipan Apache peoples' ability to utilize their lands and to protect their access and own spiritual, cultural and economic development of water, land, food systems, medicinal and whole ecology, all of which is threatened by border wall and militarization. Dr. Tamez further contributed a study to the UN Convention on Civil and Political Rights (ICCPR) on the destructive impact of the border wall and militarization on Nde' adolescent girls' access to religious, sacred, ceremonial practices for the Isanaklesh Gotal, a coming of age ceremony for the matrilineally-governed traditional Nde' kinship structure, under revitalization and decolonization from

assimilative destructive effects. In 2012, Dr. Tamez made a presentation of her research here at the EMRIP, and subsequently contributed a seminar paper at the 3rd Treaty Seminar related to the destructive violation actions of UN Members States, Mexico and the US, in relations to Lipan Apache Treaties and Crown grants.

4. In this past year we have assembled a critical working group, called the Apache Nde Nnee Working Group- we, particularly, the Apache peoples, who have learned and found it IMPOSSIBLE to take on any serious cases as/for Indigenous Peoples within the borders of Texas, New Mexico, Arizona, California and the Nation States. Collectively we submitted a comprehensive study regarding the Holy See for the related 2015 UN CERD review. Our study exhibits and details the legacies of colonialism, dispossession and illegal theft of our lands, illegalization of our identities and identity theft, among other atrocities which have all deeply affected our on-going survival as peoples. The subsequent health impacts are at critical levels of mental destabilization, the destabilization of the family, the destabilization of kinship, language, culture, spirituality, with the list going on and on. This extensive report on the Roman Catholic Church/Vatican/Holy See exposes the refusal of the Papacy to acknowledge the economic, health and wellness disparities in the lands that they have taken but have never shared any profits from their businesses and enterprises in to the Indigenous Peoples whose lands they have raped the riches and people of.
5. Subsequently, in 2016, the Apache Nde Nnee Working Group submitted a report to the UN CERD for its the review of Spain. The report included the lingering impacts of Spanish colonialism, Hispanicism as an ideology, and the continued threats and risks to Indigenous Peoples working to recover and revitalize of their inherent identities and their lands, knowledge systems, philosophies, languages, arts, sciences, cultures, spirituality and health and wellness. The Spanish Government continues to have deep investments in the southwest United States and refuses to acknowledge its ongoing effects on the disparity of Nnee/Nde peoples.
6. As Nde' Nnee' and matriarchal, matrilineal, and matrilineal governed peoples it is a grave concern of the Nde'-Nnee' Working Group that there is an unabated escalation on the ground of UN Member States in a war on terror that targets Indigenous women, youth and children, as well as men, communities and families, and specifically how this bears out in Nde'-Nnee' territory with regard to on-going, escalating violence and mutilations, atrocities, abductions, incarcerations, murders, and containment. Whether these atrocities are enacted through mega-walls, everyday containment of the mind, or other urgent and detrimental health-related situations, we cannot abide by the ineffective and insufficient effects of UN mechanisms and procedures with regard to the destruction of Indigenous girlhood and womanhood in Nde'-Nnee' territory and our collective health, life and well-being. It is the responsibility of the Nde'-Nnee' matrilineal governance institutions- the extended family, clans, and kinship systems- to strongly advise the UN EMRIP Members to address the terrorizing of Indigenous women, who are our foundational leaders, and the effects therein on youth, children and entire family, community and peoples-based systems.

Recommendations:

Indigenous self-determined Truth Commissions and other Restorative and Reparative and/or Criminal Justice measures regarding legacies and damages of colonizing entities (kingdoms, business, States and others) must be considered as an integral component of a right-to-health *action plan* for Indigenous Peoples, with a focus on youth and children, and with a shift to de-criminalizing our youth, families and peoples with restorative justice measures, while strongly addressing and creating true redress and reparation for all past and ongoing colonialism and colonization, in accordance with

the unique needs, experiences and situations of all Indigenous Peoples, including the Apache Nde'-Nnee'.

We have submitted a reference list to our studies mentioned, and we seek to have discussion with you on the **globally significant**, unprecedented research that we as the Apache Nde Nnee Working Group and expert individuals, groups and peoples have contributed to the EMRIP and other UN mechanism mandates, including to the UN Human Rights Council, for understanding and the development of policies, rights and actual enabling of all studies to be to produce seen, felt, and known health and wellness changes for Indigenous Peoples and the World.

Thank you for your time.

Submitted by: Apache Nde Nnee Working Group, Lipan Apache Women Defense, International Organization for Self-Determination and Equality (IOSDE)

Speaker: Michael Paul Hill

Reference List:

Apache-Ndé-Nneeé Working Group, (2015), 'The Holy See and European Dispossession of Apache-Ndé-Nnee Peoples: A call for truth, disclosure, justice and redress', Shadow Report Brief to the United Nations Convention on the Elimination of all forms of Racial Discrimination (CERD) Committee – 88th Session, (November 2015).

Apache-Ndé-Nneeé Working Group, (2016), 'Alternative Report for the CERD Review of Spain', submitted to the United Nations Committee on the Elimination of Racial Discrimination – 89th Session, (April-May, 2016).

Culler, R. C. et al, (1970), 'Objectives, Methods, and Environment – Gila River Phreatophyte Project, Graham County, Arizona', Geological Survey Professional Paper 655-A, US Department of Interior.

Tamez, M. and Dulitzky, A. (2015), 'The Situation of the Texas-Mexico Border Wall: A Request for Consideration under the Early Warning and Urgent Action Procedures of the United Nations Committee on the Elimination of Racial Discrimination', 80th Session of the United Nations Committee on the Elimination of Racial Discrimination, Human Rights Clinic.

Tamez, M. (2012), 'Strengthening Partnership between States and indigenous peoples: treaties, agreements and other constructive arrangements', Organized by the Office of the United Nations High Commissioner for Human Rights (16-17 July, 2012).