

Western Shoshone Defense Project

2nd session of the Expert Mechanism on the Rights of Indigenous Peoples
Intervention under Agenda Item 4

Madame Chairperson, distinguished Experts, and Indigenous Brothers and Sisters. Thank you for this opportunity to speak. My name is Larson Bill, I am Western Shoshone. We have three recommendations for the Expert Mechanism under Agenda Item 4 and the implementation of the Declaration.

1. Western Shoshone lands span across approximately 60 million acres within the borders of the United States. Without our consent, Western Shoshone lands have been turned into the one of the largest gold producing areas in the world. With U.S. approval, transnational mining companies dig huge open pit cyanide heap leach mines that poison our land, our water, and the plants, animals and people who live off of them. This is done mainly by Canadian and U.S. mining companies whose home governments hold them to no standard of legal accountability for their violations of the rights of the Indigenous peoples whose lands they destroy.
2. The basic rights of all people are the rights to clean air, water and land. The contamination of these rights is taking the life from the land and its people, plant life, animal life and bird life. All things that inhabit the land of indigenous people are there to promote the health of the people. Today, due to the extractive industries, that balance of life is upset. The use of open pit cyanide heap leach mining is destroying the water, plants and animals by poisoning the surrounding areas and it is of great concern for all indigenous peoples around the globe. We believe that this way of mining should be outlawed to preserve the environment and maintain the basic health standards of all living things upon the lands. Many indigenous people have suffered the outcome of mining, deforestation and all other extractions on their lands and remain powerless to maintain their customs and traditions for present and coming generations of their people. We believe that the protection of resources is the practice that has been taking place since the beginning of time, and should not be cast aside for profit and greed by the multinational corporations that control lands that do not belong to them.
3. The ongoing extraction of resources from Indigenous land is in direct violation of articles 29 and 32 of the Declaration, which guarantee that indigenous peoples have "the right to the conservation and protection of the environment" and mandate that States obtain their "free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources" or where there will be "storage of or disposal of hazardous materials." Moreover, Articles 29, 32 and 40 require that States take "appropriate measures...to mitigate adverse environmental, economic, social, cultural or spiritual impact" as well as "provide effective mechanisms for just and fair redress for any such activities" and "effective remedies for all infringements" of the "individual and collective rights" of indigenous peoples, as well as "ensure" implementation of "programmes for monitoring, maintaining and restoring the health of indigenous peoples."
4. We recommend, first, that the Expert Mechanism consider a ban on cyanide heap leach mining in accordance with the protections for the health of the land, the water and the people found within Indigenous territories as stipulated in Articles 29 and 32.

5. We recommend, second, that the Expert Mechanism call upon States to hold their resource extraction corporations legally accountable for violations of the rights of Indigenous peoples committed outside their home countries and, in accordance with Articles 32(3) and 40, establish mechanisms by which the victims of these extractive activities abroad may seek legal redress within the offending companies' home country.

6. Furthermore, we recommend that the Expert Mechanism affirm that the rights described in the Declaration are, in fact, the rights of all indigenous peoples, regardless of the wealth and economic development of the State within whose borders they reside.

Thank you.