

51

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Permanent Forum on Indigenous Peoples PFII

COLLECTIVE STATEMENT



Agenda Item 4 (e) Culture

Thursday, 13 May 2004

Submitted by Ofelia Rivas of the O'odham Nation representing First Nations North and South, The Cu:Wi I-gersk Community, Traditional O'odham Leaders of the Traditional O'odham Territories of Northern, Sonora, Mexico and Southern Arizona, United States of America, Ali Jegk Community Ceremony Elders and the Community of San Andres Larrainzar Sakanchén - EZLN Leaders in the State of Chiapas Mexico

Honorable and Distinguished Members of the Permanent Forum, Member States and brothers and sisters, The **O'odham (o'od-tham) since time immemorial** have existed on Mother Earth and have maintained our Him'dag, our way of life, and live by our Him'dag as taught by our teacher, Elder Brother I'toi, in our sacred ancestral territory, known as the Sonora Desert.

We stand in Honor in defense of our existence in our territory and our aboriginal right to maintain our traditional practices and customs through preservation of our ceremonies and our language with free use of our traditional routes to *freely* cross borders within our ancestral territories in the U.S. and Mexico.

The Mexican and U.S. governments have used and are using threats of violence and armed occupation to enforce their laws. We seek the help of international bodies to peacefully reconcile our claims with those of the Mexico and U.S. governments to guarantee the territorial and personal integrity of our communities and peoples.

Specifically, we are concerned about the following abuses and violations of our rights:

The U.S. and Mexico are restricting O'odham from freely crossing International Boundaries into the United States of America and Mexico to visit their families, conduct and participate in social and religious ceremonies such as pilgrimages to make sacred site offerings, collect medicinal plants and ceremonial implements.

The U.S. and Mexico are conducting personal searches, handling our sacred ceremonial bundles in violation of U.S. law. NAFTA is supposed to guarantee free access to goods but is denying free access to the O'odham.

This sacred O'odham ceremonial site is threatened (March 2003), by Intra-multi-Universities of Mexico agreements to investigate and excavate burial sites and ceremonial grounds through illegally obtained and secured permits.

Mining corporations backed by the U.S. and Mexico are encroaching on our communities, contributing to the destruction of our sacred sites, land and water.

RECOMMENDATIONS

Honorable and Distinguished Members of the Permanent Forum, Member States and brothers and sisters,

1. We request, The United Nations Permanent Forum on Indigenous Issues, the Commission on Human Rights, the Special Rapporteur For Religious Intolerance, For Indigenous Peoples, For Torture, For Internally Displaced Persons and other appropriate Persons, investigate and conduct a fact finding mission of our concerns regarding our rights to freedom of religion and rights of access and free movement.
2. We request, The United Nations Permanent Forum on Indigenous Issues in collaboration with the Commission on Human Rights facilitate a dialogue between the U.S., Mexico and our communities with the goal of a peaceful and just resolution to our concerns based on the rights guaranteed to us under the UN Charter.

The communities mentioned above have passed a resolution demanding Justice and Equitable Compensation for all lost lands, torture, deaths, disappearances, and loss of family members from the U.S. and Mexico under the U.S. Constitution, International law, and the San Andreas accords of Mexico and the U.N. Declaration on the Rights of Indigenous peoples recognizing the rights of indigenous peoples to their lands and territories.

I would like to share with you a personal experience, one of many that is happening even as we speak. The morning after an all night ceremony I was stopped by armed Border patrol. My daughter, two-year old grandson and I were threatened at gun point with deportation if we did not provide him with documents proving who we were. I told them this is my territory and I asked them, where are you from? I do not recognize their authority on my land and I refuse to be reduced to a sub-human level.

We seek allies both within the U.S., Mexico and civil society in securing these rights. This brief time does not do justice to my issue or those of others all over the world. Our peoples are suffering. I am here until the end of this Forum. Please find me and talk with me so we can work together.

Thank you,