



Press Release | May 29, 2012 | Margo Tamez | Lipan Apache Women Defense (LAW Defense) and Emilio Institute for Indigenous and Human Rights (EIIHR)

LAW Defense, EIIHR Release Public Statement and announce details for an International Press Conference to address submission to UN CERD in Geneva, Switzerland, “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),” by the Human Rights Clinic of the University of Texas at Austin, Dr. Margo Tamez (Lipan Apache Band of Texas; University of British Columbia Okanagan), and the Lipan Apache Women Defense, IPO.

FOR IMMEDIATE RELEASE

May 29, 2012

(El Calaboz, TX) On May 10, 2012, in another historic achievement, the Human Rights Clinic of the University of Texas at Austin, in collaboration with Dr. Margo Tamez (citizen of the Lipan Apache Band of Texas; Faculty of Indigenous Studies at the University of British Columbia Okanagan), and alongside the Lipan Apache Women Defense, an Indigenous Peoples’ Organization (IPO), submitted a request for consideration under Early Warning and Urgent Action Procedures of the United Nations Committee on the Elimination of Racial Discrimination.

Addressed to Ms. Grabiella Habtom, Secretary of the United Nations Committee on the Elimination of Racial Discrimination in Geneva, Switzerland, the authors submitted a 134 page critical analysis of the United States’ human rights violations against Indigenous Peoples, Native Mexican-Americans, and poor Latinos. In extensive detail, the brief exposes and underscores how the border wall and militarization have severely and negatively impacted all life along the Texas-Mexico border, and raises the perspectives of impacted peoples who call into question the legitimacy of the U.S. uses of controversial legislation, armed force, and eminent domain in the hostile dispossession of Indigenous peoples’ traditional lands, territories and resources.

The group plans to hold an international telephonic press conference to discuss the purposes of the legal brief, their hoped for outcomes, and the need to inform the public and the international legal system about the United States’ human rights violations against Indigenous Peoples, Native Mexican Americans, and poor Latino peoples who live along the Texas-Mexico border.

In the brief’s Executive Summary, the authors state:

“The construction of the border wall has had and will continue to have a negative impact on the communities living along the border, especially indigenous communities and poor Latinos. The construction of the wall occurred in a discriminatory manner, and continues to have discriminatory effects. The intervention of the Committee on the Elimination of Racial Discrimination, utilizing its early warning and urgent action procedures, is necessary to stop the harm that the border wall is continuing to inflict on indigenous communities and poor Latinos. Intervention by CERD is warranted because five of the elements of the early warning and urgent action procedure have been met: i) adoption of new discriminatory legislation; ii) encroachment on

traditional lands of indigenous peoples; iii) a significant and persistent pattern of racial discrimination evidenced by social and economic factors; iv) lack of an effective recourse procedure; and v) lack of judicial remedy.”

The authors argue that the U.S. government has persistently failed to take effective measures to review, remedy and redress the discriminatory effects of its legislation, resulting in ongoing discriminatory effects on Indigenous peoples and poor Latinos living along the border.

The brief provides an updated analysis of the wall’s troubling impacts on the security of Indigenous peoples undergoing increased threats against their land possession, surveillance, criminalization, and the challenges to retaining title to Indigenous traditional territories, lands, and resources. The failure of the U.S. government to properly consult with Indigenous peoples, according to the brief, reveals that the U.S. persistently obstructed Indigenous peoples’ “full enjoyment of rights of indigenous communities, and that the obligation is especially strong with regard to the enjoyment of traditional land because of the crucial role it plays in preserving the survival of their cultural identity.” The United Nations Declaration on the Rights of Indigenous Peoples requires that states cooperate with indigenous peoples and consult with them in order to obtain free, prior and informed consent before taking any steps that would affect them and their way of life.

In sum, the 134-page brief details how “The construction of the border wall has caused and will continue to cause discrimination and severe depredation against indigenous peoples, prevents Indigenous peoples from exercising their human rights on an equal footing with the rest of the population,” and that the U.N. CERD should take “Urgent action ... to prevent the continuation of the U.S. government's increasingly hostile relations with indigenous groups.”

INTERNATIONAL TELECONFERENCE- PRESS CONFERENCE:

The Lipan Apache Women Defense will host an international teleconference to be co-moderated by Dr. Margo Tamez and Ms. Laura Rivas (National Network for Immigrant and Refugee Rights).

Details:

Panelists: Ariel E. Dulitzky, Clinical Professor and Director—Human Rights Clinic, The University of Texas at Austin; UT Austin law students and co-authors); Dr. Margo Tamez, University of British Columbia Okanagan; Dr. Eloisa Garcia Tamez (Lipan Apache; *Tamez v. U.S. DHS et al.*), Daniel Castro Romero, Jr., Hereditary Chief and General Council Chairman, Lipan Apache Band of Texas, Steven Fernandez, Kune'Tsa Nde/Tu' Tssn' Nde Band of the Lipan Apache Nation of Texas, and April Cotte, advocate.

Date: Wednesday, May 30, 2012

Time: 10:00 a.m., Pacific Standard Time; (12 Noon, Texas)

Call Number: **1-877-807-8664, x 78664**

Participant Code: **0155788**

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