

UNITED NATIONS

COMMENTS OF THE WESTERN SHOSHONE NATIONAL COUNCIL
AT THE TWELFTH SESSION OF THE
WORKING GROUP ON INDIGENOUS POPULATIONS
REGARDING AGENDA ITEM 6

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I offer these comments for consideration of the second progress report of the Special Rapporteur of the Sub-commission on treaties, agreements and other constructive arrangements between states and indigenous peoples.

The Western Shoshone Government entered into a treaty of peace and friendship with the United States of America in 1863, known as the Treaty of Ruby Valley. This treaty is the foundation for relations between the Western Shoshone Government and the United States of America. It is well worth noting that the treaty is still today in full force and effect. However, in light of its terms and spirit, the Western Shoshone National Council seeks to resolve serious grievances and violations of the Treaty of Ruby Valley by the United States of America.

In 1863 when the Treaty was negotiated there was a clear understanding by the original traditional council that those rights which were not specifically granted to the United States of America, were retained. The efforts of the United States in seeking a treaty with the Western Shoshone Nation was to seek safe passage through Western Shoshone Territory. At the time of the treaty signing, the United States of America was engaged in a civil war. War with the Western Shoshone Nation was not a viable method of securing the route through Western Shoshone Territory for the gold which the Union Army needed to finance its' war.

In the past 128 years much has changed within our country. The most significant change regards the conducting of nuclear weapons tests by the United States and the United Kingdom in our Territory. According to the terms of the Treaty of Ruby Valley, clearly, no grant of rights to conduct nuclear activities was ever contemplated in 1863, or at any other time. The activities carried out by the

United States Department of Energy directly violate the treaty. This is a serious matter when a state blatantly violates precise treaties designed to keep the peace and secure the well being of the signatory parties. And because of the very nature of exploding 926 nuclear weapons within Western Shoshone Territory, this can be considered an act of aggression! At the very least, there is no clearer example of the abuse of human rights than, the use of nuclear weapons of one people against another.

Finally, the United States Government proposes to develop Yucca Mountain within Western Shoshone Territory for the permanent storage of high level spent nuclear fuel from commercial nuclear reactors. This new project adds further risk to the destruction of our people and lands.

In 1979 the Indian Claims Commission decided to award \$26 million to the Western Shoshone allegedly, for the loss of our land. This is now interpreted as an extinguishment of our land rights, which would literally turn us into a landless nation. Understanding finally, that something went wrong in the Indian Claims Commission, the United States Government is now offering a process, which they label "negotiations" on a "government-to-government" level. But who are the negotiating partners? Our original government, the Western Shoshone National Council is not invited at the negotiation table. Only "tribal governments", which were created by the Indian Reorganization Act of 1934 are accepted.

If you realize, that these tribal governments are created by the United States, and are in effect, extensions of the United States administration, the conclusion is that, in this process the United States Government is negotiating with itself. And this is what the United States Government calls "self-determination".

I thank the Chair.

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