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**English**

**Permanent Forum on Indigenous Issues**  
**Seventh session**  
New York, 21 April - 2 May 2008

**FINAL REPORT OF THE**  
**INDIGENOUS PEOPLES' BORDER SUMMIT OF THE AMERICAS II,**  
**SAN XAVIER DISTRICT, TOHONO O'ODHAM NATION**  
**NOVEMBER 7-10, 2007**

1. We, the representatives, delegates and traditional authorities of Indigenous Peoples and organizations from 19 Indigenous Nations, from throughout Sacred Turtle Island, the land currently known as the Americas, have come together at the Indigenous Peoples Border Summit of the Americas II with the following stated objectives:

(a) To provide the opportunity for Indigenous Peoples' of the border regions to exchange experiences and information about how the international borders impact their respective communities.

(b) Create a way to unite Indigenous Peoples' to address and resolve issues of mutual concern affecting our traditional homelands, cultural and ceremonial practices, sacred sites, treaty rights, health, and way of life.

(c) Build awareness and educate all peoples about the impacts of policies and practices being carried out along the borders.

2. We extend our deep appreciation to the Indigenous Peoples of the Tohono O'odham Nation and the San Xavier Community, for their hospitality and generosity in hosting the various delegations attending this Summit.

3. We express our appreciation to the organizers of this event for this historic opportunity to bring together many of the Indigenous Peoples and Nations who are affected by these same situations, to share information, develop common strategies and express our solidarity for each other in this way.

4. We endorse and reaffirm the Declaration of San Xavier from the Border Summit of the Americas, at the Tohono O’odham Nation on September 29-October 1, 2006.

5. We express our appreciation for the UN Permanent Forum on Indigenous Issues 6<sup>th</sup> session, and the North America Regional Caucus Preparatory meeting for that session, which both recognized the importance of the First Border Summit in 2006, and encouraged the organization of this 2<sup>nd</sup> Summit to continue and strengthen these vital discussions.

6. We express our collective outrage for the extreme levels of suffering and inhumanity, including many deaths and massive disruption of way of life, that have been presented to this Summit as well as what we have witnessed in our visit to the border areas during the Summit as a result of brutal and racist US policies being enforced on the Tohono O’odham traditional homelands and elsewhere along the US/Mexico border.

7. We also recognize that many of our inherent, sacred and fundamental human rights, including our cultural rights and freedom of religion, self-determination and sovereignty, environmental integrity, land and water rights, bio-diversity of our homelands, equal protection under the law, Treaty Rights, Free Prior Informed Consent, Right to Mobility, Right to Food and Food Sovereignty, Right to Health, Right to Life, Rights of the Child and Right to Development among others, are being violated by current border and “immigration” policies of various settler governments.

8. We recognize and applaud the adoption of the UN Declaration on the Rights of Indigenous Peoples which affirms and recognizes a full range of our human rights, including article 36 which affirms:

*(i). Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.*

*(ii). States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.*

9. We also strongly affirm the message expressed by many of the Indigenous delegates at this gathering: to be sovereign, and to be recognized as sovereign we must act sovereign and assert our sovereignty in this and all other matters.

10. We therefore present this report with the intention of proposing, developing and strengthening real and effective solutions to this critical issue:

**We call upon the United Nations and the International community:**

11. To end international policies which support economic globalization, “free-trade agreements”, destruction of traditional food systems and traditional land-based economies, and land and natural resource appropriation which result in the forced relocation, forced migration and forced removal of Indigenous Peoples in Mexico, Guatemala and other countries, and cause Indigenous Peoples to leave their homelands and seek economic support for their families in other countries.

12. To ensure that the UN human rights system pressures States to provide protection and take action to prevent the violence, abuse and imprisonment of Indigenous woman and children along the borders who often bear the worse effects of current policies; to also implement immediate and urgent measures and provide oversight to end the physical, physiological and sexual violence that is currently being perpetrated against them with impunity as a result of their migrant status, whether it is being carried out by employers, human traffickers, private contractors and/or government agents.

13. To implement International Laws and mechanism to prohibit the practice by the US and other States of the production, storage, export and use of banned and toxic pesticides and other chemicals on the lands of Indigenous Peoples.

14. To provide protection under its mechanism addressing Human Rights Defenders to review and monitor all laws and policies which criminalize humanitarian aid to immigrating persons and provide protection for those carrying out these humanitarian acts.

**15. To call upon the United Nations Permanent Forum 7<sup>th</sup> Session to recognize and take into consideration this Report and its recommendations and to transmit them to the United Nations system to ensure their implementation.**

16. To establish as a priority by the Human Rights Council, it's committees, subsidiary bodies, Special Rapporteurs; the U.N. Committee on the Elimination of all Forms of Racial Discrimination and other Treaty monitoring bodies; the UN Permanent Forum on Indigenous Issues; and all other appropriate UN bodies and mechanisms to monitor the compliance to international Human Rights obligation of the U.S., Mexico, Canada and all

other States in the creation and implementation of Border and immigration policies in particular those affecting Indigenous Peoples.

17. To call upon the CERD to specifically examine U.S. immigration laws, policies and practices as a form of racially based persecution and racial discrimination.

**We call upon State/Country Governments and Federal Agencies:**

18. To fully honor, implement, and uphold the Treaties, Agreements and Constructive Arrangements which were freely concluded with Indigenous Peoples and First Nations, in accordance with their original spirit and intent as understood by the respective Indigenous Peoples’;

19. To fully implement, honor and respect the rights to land, natural resources and Self-determination, which includes the right to freely pursue their economic, social and cultural development, for Indigenous Peoples in their traditional home lands.

20. To immediately initiate effective consultations with impacted indigenous peoples’ who are divided by borders for the development of respectful guidelines relating to border crossings by those indigenous peoples’ which ensure the recognition of each indigenous nation as culturally distinct and politically unique autonomous peoples and uphold their rights to move freely and maintain relationships within their homelands.

21. To respect and facilitate the use of Indigenous Nations/tribal passports, identifications, and immigration documents for travel across imposed borders, specifically tribes along settler borders between Mexico, the U.S. and Canada.

22. To end to the militarization of the U.S./Mexico border along all Tribal and Indian Nation lands, and an end to military and law-enforcement activity and occupation in Indigenous Peoples' lands everywhere, without their free, prior informed consent.

23. To end forced assimilation perpetuated by immigration policies which categorize of Indigenous Peoples as "white" or "Hispanic/Latino" while they are in the process immigrating, acquiring residency and/or naturalization in the U.S. or other countries

24. To end the production and export of pesticides which have been banned for use in the U.S.A and other countries, and to accept full legal accountability for the health and environmental impacts of such chemicals that have contaminated Indigenous peoples, their health, lands, waters, traditional subsistence food systems and sacred sites.

25. To end to the continual violation of the Native American Freedom of Religion Act and the destruction, desecration and denial of access for Indigenous Peoples to their sacred sites and cultural objects along the border areas, and to enforce all cultural, religious freedom and environmental protection laws and polices for federal agencies operating in these regions.

26. To provide protection for and end the intimidation of Indigenous and other peoples providing humanitarian aid along and within tribal lands to Indigenous and other displaced migrant peoples crossing the borders and to call for an immediate end to the criminalization of such expressions of basic human caring and assistance.

27. To end to the ongoing environmental contamination, eco-system destruction and waste dumping on Indigenous and tribal lands along the border by the military, border patrols and private contractors doing business with federal agencies.

28. To ensure that the US Border patrol and other federal agencies operating on or near Indigenous Peoples' lands are held fully and legally accountable for restoration, reparations and/or remediation of any damages or harm they have caused to peoples, ecosystems and places, in full consultation with the affected persons and Peoples,

29. To reinstate the Sovereign rights of Indigenous Peoples whose rights and status have been terminated through colonialist rule of law and daily practices of forced assimilation in all countries.

30. To ensure respect for Indigenous Peoples' land and resource rights in their own homelands in all countries as the most effective way to address immigration issues and Indigenous Peoples' human rights concerns overall.

31. To implement humane immigration policies that fully respect the inherent human rights of all Peoples and persons and fully comply with States' obligations under International Human Rights Law.

**We call upon Indigenous Peoples' and Nations:**

32. To create and use Indian Nations/tribal passports, identifications, and immigration documents for travel across imposed borders, specifically tribes along settler borders along



Mexico and the U.S. and the U.S. and Canada, and to fully reinstate their traditional border crossing rights and abilities.

33. To encourage and promote cultural and traditional knowledge exchange among Indigenous Peoples across borders in order to strengthen our ties and to restore our traditional life ways and practices.

34. To recognize each other fully as Sovereign Peoples and Nations.

35. To acknowledge the intersection of Indigenous sovereignty and respect for our sacred mother the earth as a basis for maintaining and reestablishing the necessary social, political, spiritual, cultural and economic strength of the women of our nations.

36. To examine, review and amend as needed, all tribal government policies regarding the treatment of migrants traveling through their Nations' lands to insure they are consistent with both creator given traditional laws and International Human Rights standards, in particular those whose lands are in the border regions.

37. To refuse to accept the use, storage or transport of toxic contaminants or wastes on their lands, including those which have been transported across borders.

### **NGO's and Supportive Groups:**

38. To join with Indigenous Peoples to call upon the International Community, State governments and their agencies to implement this Report and its recommendations, and to

continue to defend the human and sovereign rights of Indigenous Peoples throughout the Americas and all regions of the world.

**Conclusion:**

39. The participants in this Summit request that the International Indian Treaty Council (IITC), as well as other Indigenous Peoples' organizations continue to submit and present the information provided during this summit including this Declaration to appropriate international bodies including the CERD, HRC and UNPFII Sessions in 2008, as well as to disseminate this information widely in order to create awareness support for this critical human rights issue.

40. We also request that the UN Permanent Forum on Indigenous Issues accept this Declaration at it's 7<sup>th</sup> session in May 2008 and propose to all bodies and agencies of the United Nations System, as well as U.N. member States that they incorporate it into their respective plans of action and policies, including the plan of action for the 2<sup>nd</sup> International Decade of the Worlds Indigenous Peoples and the Implementation of the Millennium Development Goals.

*Adopted by consensus of the Participants in the Indigenous Peoples Border Summit of the Americas II on November 10<sup>th</sup>, 2007, San Xavier, Tohono O'odham Nation*

# 2001 - 2007 USBP RECORDED MIGRANT DEATHS, USBP RESCUE BEACONS AND HB WATER STATIONS

