

In addition to this summary the newly released Issues Paper provides an extended analysis of the decision by Lisa Strelein.

The Nevada Indians: land rights and human rights

by Denise McVae, Indian Law Resource Centre, United States

The Inter-American Commission on Human Rights has publicly released a report regarding the longstanding land dispute between the U.S. government and the Western Shoshone Indians of Nevada. The report finds that the United States government is violating international human rights laws in regard to its treatment of Mary and Carrie Dann, two Western Shoshone Indians who have been embroiled in a land battle with the U.S. government for several years.

The report calls into question the US governments handling of millions of acres of land, mainly in the West, that have been subject to Indian claims in the federal Indian Claims Commission. The report affirms the Dann's argument that the U.S used illegitimate means to gain control of the Indians' ancestral lands.

The dispute manifested itself in certain incidents between some Western Shoshone Indians and the Federal Bureau of Land Management, which charges the Indians fees for grazing cattle on public lands and impounds livestock if fees are not paid. The Human Rights Commission found that the claims process, which the U.S says extinguished the Western Shoshone rights to most of their land in Nevada, was a flawed process that denied Mary and Carrie Dann, and other Western Shoshone Indians, their human rights. The Commission concluded that the U.S violated several articles of the American Declaration on the Rights and Duties of Man, including the right of equal-

ity before the law, the right to a fair trial, and the right to property.

The Commission recommended that the government take steps to provide a fair legal process to determine the land rights of Mary and Carrie Dann and that of the other Western Shoshone Indians. This report will have important implications for Indian nations all over the country that have complained for years about losing their lands as a result of fraudulent or high-handed claims in the Indian Claims Commission, said Robert T. Tim Coulter, executive director of the Indian Law Resource Center, which brought the case before the Inter-American Commission on the Dann's behalf. At last, there is a thorough, legal decision concluding that these procedures are seriously wrong and that they violate the most basic human rights of the Indian peoples involved.

A controversial Bill, sponsored by Senator Harry Reid, D. Nev., would distribute the money awarded by the Indian Claims Commission in the Western Shoshone case. The Bill is scheduled for a hearing in Washington D.C. on Friday 2 August 2002. Many Western Shoshone tribes, including Mary and Carrie Dann oppose the bill because of concern that it would undermine their rights to their lands and compound the human rights violations identified by the Inter-American Commission.

The Inter-American Commission on Human Rights is a body of the Organization of American States with headquarters in Washington D.C.

This is the first decision of the Inter-American Commission finding that the US has violated the rights of American Indians.

A summary of the Inter-American Commission's report and the full text of the report are available on the website of the Indian Law Resource Center: www.indianlaw.org/
