

## [SLIDE 1]

Title:

### **UN Charter and Treaty Systems with regards to Self-Determination of Peoples.**

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## [SLIDE 2]

**The UN Charter is Organized in Chapters.** The most important is Chapter XI, with the Declaration Regarding Non-Self Governing Territories.

## [SLIDE 3]

### **I. UN System Under the Charter & Self-Determination. Art. 73, items (a-e)**

The UN Charter, includes arts. 1(2) and art. 55, which contains the principle of self-determination of peoples. “Dependent territories” are in Chapter XI; and, Chapter XII that established the Trusteeship system. Nevertheless, the Trusteeship Council in Chapter XIII, was a principal organ, that supervised territories, but it is now closed since November 1994. There are other mechanisms that will be explained later.

Art. 73 of the Charter, is the recognition of the obligations by Member States to accept; this “sacred trust”, and the obligations to promote the well-being of the inhabitants of the territory.

Of the 74 non-self-governing territories:<sup>1</sup> 8 became independent (from 1946 to 1959), 21 discontinued the transmission of information, mostly because there were changes in the relationship”. In other cases, the decision was unilaterally taken by the Administrative Power.<sup>2</sup> Other metropolis, either denied they had obligations under art. 73, or did not permit observation missions to the territory.<sup>3</sup>

## [SLIDE 4]

### **Mechanisms under the Charter**

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<sup>1</sup> G.A. Res 66(I).

<sup>2</sup> UN Department of Political Affairs, Trusteeship and Decolonization. *Decolonization*. Vol. 1, No. 6 (Dec. 1975), at 5.

<sup>3</sup> *Id.*, at 14-18.

The Human Rights Council is the main expert organ that monitors the implementation of human rights, and supports all other mechanisms.

The Special Procedures of the Council include the Special Rapporteurs, Independent Experts, and Working Groups. They have a special mandate of reporting and advising in different topics and countries. They can make country visits and take individual communications and broader concerns.

There are 46 Thematic Mandates, some of them dealing with transnational corporations, development, cultural rights, disabilities, environment, displacement, disposal of hazardous substances and toxics, etc.

There are 14 Country Mandates which include, for ex., the Palestinian Occupied Territories since 1967.<sup>4</sup>

Universal Periodic Review- Is where Member States undergo a peer review every 4.5 years to improve human rights situations, and also includes recommendations.<sup>5</sup>

Independent Investigations- are the International Commissions of Inquiry, Commissions on Human Rights, Fact-finding missions, and other investigations in order to promote accountability, and counter impunity.<sup>6</sup>

## [SLIDE 5]

### **Non-Self Governing Territories**

This Art. 73 lists the responsibilities of the Administrating Power for the territories that have not attained self-government:

- a. Respect and ensure the culture of the peoples, their political, economic, social, and educational advancement, just treatment...
- b. develop their self-government,
- c. [...]
- d. help promote development,

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<sup>4</sup> <https://www.ohchr.org/en/special-procedures/sr-palestine>

<sup>5</sup> Res. 60/251 of 2006, <https://www.ohchr.org/en/hr-bodies/upr/upr-home>

<sup>6</sup> <https://www.ohchr.org/en/hr-bodies/hrc/co-is>

- e. transmit information to the Secretary-General, etc.
- f. [...]

## [SLIDE 6]

### **Puerto Rico under the Charter System** **Background of the Case of Puerto Rico (since 1898)**

After a year of military government, the US Congress approved the Foraker Act in 1900's to establish a civil government. The legal framework was altered to fit procedural matters into the US federal system, but the civilian body of law (property law, for ex.) was left in place because it was similar to the property law doctrines of individualism under US Anglo-saxon law. Nevertheless, the tariff and taxation systems were imposed, which responded to the US government and its economic interests. US tax laws exerted economic dominance over its colonies (American Samoa, Guam, Northern Mariana Islands, US Virgin Islands and Puerto Rico), since the beginning of the invasion, until today, are still under such impositions.<sup>7</sup>

Even after Commonwealth status was established in 1952, Puerto Rico is still under the plenary powers of Congress. In 1953 the US argued that, since the Island had attained self-government, the United Nations had to remove it from the List of Territories under article 73(e).

Since then, until the recent cases of (*Sanchez Valle*<sup>8</sup> and the *Franklin California Tax Free Trust*<sup>9</sup>), determined by the US Supreme Court, the People of Puerto Rico had the impression that there was an *autonomous* arrangement in place. After these cases, and after various Presidential Reports, the relationship has not changed. In the middle of the financial crisis, the Island was left without any warranty that, neither politically nor financially, could have a bail out.

Today, the argument about self-government has completely fallen apart. Since the Insular Cases, plenary powers of the US Congress still apply. The imposition of the PROMESA statute is also proof of the colonial nature of the Commonwealth, and places the Island at the beginning of the 20<sup>th</sup> century, with Foraker's Organic Law of 1900.

## [SLIDE 7]

### **G. A. on Self-Determination**

On 1959, the General Assembly established the Special Committee to study the guidelines for deciding transmission of information, and for Members to determine whether or

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<sup>7</sup> Dianne Lourdes Dick, *U. S. Imperialism in Puerto Rico*. 65(1) AM. UNIV. L. REV. (2015), 1-86, 21-25.

<sup>8</sup> *Sánchez Valle v. US*, 136 SCt. 1863 (2016).

<sup>9</sup> *Franklin California Tax Free Trust v. U.S.*, 136 SCt. 1938 (2016).

not, an obligation to transmit information existed under Article 73 (e).<sup>10</sup> This Committee issued a report and the General Assembly adopted Resolution 1541(XV) in 1960, where it established a legal obligation to transmit information about the territory, “which is: geographically separate and distinct ethnically and/or culturally from the country administering it.” Additional elements regarding political, juridical, economical, historical, or other nature can be considered to support this obligation to transmit.<sup>11</sup>

In 1960’s, the General Assembly, included in the agenda the “Declaration on the Granting of Independence to Colonial Countries and Peoples”, in its sessions of November 28 and of December 14, 1960.<sup>12</sup> Forty-three Afro and Asian states sponsored a Draft Declaration, which was adopted on December 14, of that year, and such Declaration became Resolution 1514(XV).<sup>13</sup> Resolution 1514 proclaims that: (1) alien subjugation, domination, and exploitation is a denial of fundamental human rights, and is contrary to the Charter of the UN.<sup>14</sup>

## [SLIDE 8]

### Other Arrangements under the UN

Other options<sup>15</sup> to carry the tasks of the Special Committee are the receipt of written petitions and the hearing of petitioners.<sup>16</sup> Shortly after Resolution 1514(XV), was approved, the General Assembly approved Resolution 1654(XVI), “which created a Special Committee on the Situation with regard to the Implementation of the Declaration to Promote Decolonization (or Committee of 24).<sup>17</sup>

The right to petition is a fundamental right, thus in 1951, the Fourth Committee of the General Assembly, and the Decolonization Committee agreed to hear petitions.<sup>18</sup>

In the Decolonization Committee, Puerto Rico’s individuals and NGOs have the opportunity to petition. The Special Committee then, can make recommendations based on the information provided.

The U. N. Decolonization Committee has approved 41 Resolutions and Decisions on Puerto Rico. In 1972-73 the Working Group of the Decolonization Committee issued a Report

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<sup>10</sup> *Id.*, at 6.

<sup>11</sup> *Id.*, at 7.

<sup>12</sup> See, Official Records of the General Assembly, 15<sup>th</sup> Session, Part I, Vol. II, Plenary Meetings 925-939, and 944-947, in Decolonization..., *id.*, at 9.]

<sup>13</sup> Resolution 1514(XV) was adopted with 89 votes in favor, none against, and 9 abstentions being Australia, Belgium, Dominican Republic, France, Portugal, Spain, South Africa, United Kingdom and the U.S. Note 16, Decolonization..., *id.*

<sup>14</sup> *Id.*, 10.

<sup>15</sup> *Id.*, 23.

<sup>16</sup> Article 87(b) of the Charter of the Trusteeship Council.

<sup>17</sup> Igarashi, 62-63.

<sup>18</sup> *Id.*

on the Procedure to Implement Resolution 1514(XV), but instead, an Annual Report by the Special Rapporteur has been issued.

On June 2021, it approved a decision, affirming the Latin American character of Puerto Rico, “which its residents have been able to maintain despite the actions of the colonial power.” Also, it expressed concern on the imposition of the control and economic influence by the U. S., and the repression against activists.<sup>19</sup> This Committee has repeatedly stated that any mechanism or vote on a plebiscite must be free (not under duress or intimidation), and taken by well-informed voters.

This process is possible under the mandate of Resolution 1514(XV), which also permits fact-finding missions- and NGOs communications to the Committee- on the territory under observation.<sup>20</sup>

How to implement Res. 1514(XV), and make the case to the General Assembly’s Fourth Commission to examine the situation of Puerto Rico? Attorney and expert on self-determination of Puerto Rico, Wilma Reverón Collazo (based in part on the opinions of Prof. Mari Bras), urges to take the case to the International Court of Justice in an Advisory Opinion. Other options include: to call on Member States to express their concerns and examine the case of Puerto Rico, and hope that the majority of States will vote to include this case in the agenda.<sup>21</sup>

On December 15, 2022, *Puerto Rico Status Act*<sup>22</sup> was approved by the US Congress. For the first time, “the U. S. recognized its role as a colonizing force.”<sup>23</sup> The alternatives offered are between statehood and independence (excluding the actual Commonwealth alternative.) The referendum planned for November 5, 2024, includes a free association option, similar to the status of Marshall Islands and Micronesia, and will be (supposedly) a binding referendum.<sup>24</sup>

The problem is how the aspirations of the colonized peoples are to be expressed. The UN Charter does not provide for direct involvement of the UN, except for the “examination of the

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<sup>19</sup> The Special Committee on the Situation with regards to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, was formally known as the Special Committee on the Situation with regards to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It approved the annual draft resolutions titled “Information from Non-Self-Governing Territories transmitted under Article 73(e) of the Charter of the United Nations.” The June 18, 2021 decision was presented on June 18, 2021, and approved without a vote on the 20<sup>th</sup> of June 2022 as: “Decision of the Special Committee of 18 June 2021 concerning Puerto Rico.” (Doc. A/AC.109/2022/L.7).

<sup>20</sup> UN Department of Public Information, What the UN Can Do to Assist Non-Self-Governing Territories 14 (2016).

<sup>21</sup> This last option was done already and did not prevail in 1971 and 1982 by Cuba, and other States. See, Wilma Reverón-Collazo, Puerto Rico. 41 resoluciones y 50 años en el Comité de Descolonización (June 28, 2023); and, *id.*, 41 resoluciones y 50 años en el Comité de Descolonización (Parte 2), Resumen Latinoamericano.org, Especial para Claridad.

<sup>22</sup> H.R.8393 - Puerto Rico Status Act 117th Congress (2021-2022), provides for a plebiscite in November 5, 2024, to resolve the status question.

<sup>23</sup> AL JAZEERA, *U. S. House Approves Referendum on Puerto Rico’s Future*. (2022, December 15). AL JAZEERA NEWS/POLITICS.

<sup>24</sup> Paula Dupraz-Dobias. *Democracy, Puerto Rico Prepares to Possibly Become New US State*. SWI SWISSINFO.CH (2023, January 23).

information transmitted by the Administering Members”. There are various alternatives in the case of the trust territories. The Trusteeship Council might provide for periodic visits, hold general elections, and form a constituent assembly which will draft the constitution, forming a representative government,<sup>25</sup> also to ask the Secretary General to take action in consultation with the Administering Power and the Special Committee, to ensure the UN presence and supervision of the elections.<sup>26</sup> With respect to the options to elect representatives in the constitutional process, it can be through a referendum, plebiscite, constitutional assembly, or other mechanism.

## [SLIDE 9]

### **G. A. Resolutions and Plebiscites** **General Assembly Resolution 1514 (XV)**

During the late 1950's and 1960's- independence was being fought and attained by African nations and elsewhere. When the countries that participated in the Teheran Conference approved Resolution 1514(XV)<sup>27</sup> of 1960,<sup>28</sup> being the basic instrument for self-determination and independence-<sup>29</sup> the U. S. submitted additional resolutions to counter Resolution 1514 (XV). It did so, even though it abstained when Resolution 1514 (XV) was voted and approved. The United States later argued, dismissing the international law argument, that Resolution 748 (VIII) had already decided the issue of self-determination of Puerto Rico, and in any case, it was a domestic issue.<sup>30</sup>

Resolution 1541(XV) of 1960 was proposed as an alternative, but only includes guidelines for solving the political question. But, Resolution 1541(XV), cannot circumvent the responsibility imposed by the UN Charter in Article 73. Among these guidelines there is annexation (“integration” according to the wording of Res. 1541(XV)); free association;<sup>31</sup> and, independence.

General Assembly Resolution 1541(XV) was concerned with the forms of attaining full measure of self-government, but integration or even annexation cannot be part of a self-determination solution, at least in the case of Puerto Rico. Resolution 2625 (XXV) provides for any “other possibilities besides independence, association or integration”.<sup>32</sup>

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<sup>25</sup> In the case of Fiji there was G.A. Res. 2185(XXI) to refer to. See, Igarashi, at 228.

<sup>26</sup> In the case of Equatorial Guinea, G.A. Resolution 2355 (XXII) was approved. See, *id.*

<sup>27</sup> General Assembly Resolution 1514(XV) of 14 December 1960, Declaration on the Granting of Independence to Colonial Countries and Peoples, A/RES/15/1514.

<sup>28</sup> Declaration 2625(XXV) of 1970 (*Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations*) (A/8082), adopted by the General Assembly on October 24, 1970; in addition to the *Teheran Proclamation*, International Conference of Human Rights, Teherán, May 13, 1968, reaffirming the Universal Declaration of Human Rights on Self-Determination.

<sup>29</sup> Ian Brownlie & Gros Espiel comment that self-determination is already *jus cogens* or a peremptory norm of human rights, in Antonio Cassese, SELF-DETERMINATION OF PEOPLES, A LEGAL REAPPRAISAL (1995), at p. 152.

<sup>30</sup> García-Muñiz, at 4.

<sup>31</sup> In Puerto Rico, this option does not have the majority of the votes. It is not understood as “autonomy”, which is the favorite option or, at least, was until 2020.

<sup>32</sup> Igarashi, at 152, 154.

Integration should be “on the basis of a complete equality[...] as regards [to] representation and effective participation at all levels in the executive, legislative, and juridical organs of government. [And], should come about only after an integrating territory has attained an ‘advanced stage of self-government’”<sup>33</sup>[...] (Puerto Rico has never attained an advanced stage of self-government, especially at this moment under the PROMESA, a statute imposed by US Congress).

When an Administrative Power pretends to annex territories that are not independent or “non-autonomous”, whose population has a distinct culture, language, history, and origin, it means that those colonized peoples would have to renounce to their culture and to their identity.<sup>34</sup> Some commentators have argued that the right to protect their own identity and to choose their own destiny is sufficient cause to activate the right of self-determination.<sup>35</sup>

Attorney Fermín Arraiza Navas made the distinction between “integration” and “annexation” based on the Advisory Opinion of the International Court of Justice issued in 1970, and which deals with the Namibian case. Arraiza made a comparison with the case of Puerto Rico. He wrote that, the alternative favored by the statehooders want to “integrate” to the US. Nevertheless, since we are not the same peoples, we cannot be integrated into the US; instead, if “annexed”, it would imply the cultural disintegration, and disappearance as a peoples that have a different international personality, politically and culturally.

The case of Namibia is illustrative, because it deals with the steps that had to be taken in order to complete annexation. The ICJ’s Advisory Opinion concluded that annexation of one country with a different culture to the receptor country is not possible.

Neither Puerto Rico nor the U. S. government have even started an education campaign, so the people can inform themselves of the consequences of each option.

## [SLIDE 10]

### UN Treaty-based System- Mechanisms

Each treaty has its Committee. The US has ratified the Convention on Racism, the ICCPR, the Torture and the Genocide Conventions, but it is not eager to accept the reporting system of the Committees. Although, it has had to defend itself- by

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<sup>33</sup> Id.

<sup>34</sup> 1950 *Advisory Opinion on the International Status of South Western Africa*, ICJ REPORTS 1950, at p. 131. Also, Article 103 of the UN Charter, notes possible conflicts between the international obligations and said Charter. Nevertheless, the Charter prevails. See, Chapter XVI, Article 73, U.N. Charter; and, Resolution 48 (*Precedence of Charter over other Treaty Obligations*).

<sup>35</sup> T. M. Franck, *Postmodern Tribalism and the Right to Secession*, Catherine Brölmann, Renè Leféberm and Marjoleine Zieck, PEOPLES AND MINORITIES IN INTERNATIONAL LAW (1993), at p. 20, in Emilio J. Cárdenas & María F. Cañas, *The Limits of Self-Determination*, Wolfgang Danspeckgruber, ed., THE SELF-DETERMINATION OF PEOPLES. COMMUNITY, NATION, AND STATE IN AN INTERDEPENDENT WORLD (2002), at 115.

submitting a response report- when an NGO submits a “shadow report” or a “communication” on a human rights violation.

## [SLIDE 11]

### II. System under the Treaties UN-Geneva) and Human Rights Violations: the Vieques Case

In 2003, some NGOs decided to use the treaties ratified by the US, taking their petitions to the human rights system in UN Geneva. Representatives of NGOs like the American Association of Jurists, and others, presented the case of the death of David Sanes, the cancer, the displacement and environmental disaster, caused by the US Navy in the Islands of Vieques and Culebra.<sup>36</sup> Research done by the University of Puerto Rico found not only enriched uranium, but many other substances that are prohibited under environmental treaties.<sup>37</sup>

Other violations have been denounced submitting written communications to the High Commissioner of Human Rights on colonialism (under the ICCPR), economic hardship, and sent also communications to the Special Rapporteurs on topics like vulture funds, right to development, etc. Worker’s unions have also used the specialized agencies like, for ex., the International Labor Organization in Geneva.

The US has ratified only a third of the human rights multilateral treaties that are important, to wit, the Convention on Civil and Political Rights, the Convention against Racism, the Torture Convention, and the Genocide Convention, among others.<sup>38</sup>

The US does not recognize the individual petitions in the UN or in the regional (Interamerican) system, but only recognizes the cases brought by other States. That is why the Nicaraguan case<sup>39</sup> was so important, and recently the South African case in favor of the Palestinian people at the International Court of Justice.

The US, as an Administrative Power, has to comply with the UN Charter, and also with the treaty obligations, for ex., with the International Civil and Political Convention, especially, of

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<sup>36</sup> Actually, there is a film released that shows part of the violations that the people of Vieques and Culebra had to endure. The film “La pecera” just had a Goya nomination at the film festival in Spain this past February 11<sup>th</sup>.

<sup>37</sup> Neftali García Martínez, et al. *Impacto de las actividades de la Marina en Vieques*, Servicios Científicos y Tecnicos, Inc., 19 de junio de 2000, rev. 21 nov. 2001, [<https://unescopaz.uprrp.edu/documentos/viequesupr/neftali/index.htm>]; Cátedra UNESCO de Educación para la Paz, Universidad de Puerto Rico, Pronunciamento a favor de la paz para Vieques, mayo de 2001, [<https://unescopaz.uprrp.edu/act/Lecciones/tercera/pronuncvieques.html>]

<sup>38</sup> The four Geneva Conventions, but not many more. The Convention on the Economic, Social and Cultural Rights has not been ratified neither CEDAW (the Convention on the Elimination of Discrimination Against Women), nor the Convention on the Rights of the Child, not even the Convention on the Rights of Persons with Disabilities (UNCRPD).

<sup>39</sup> Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*). Judgments. Judgment of 26 November 1984, [<https://www.icj-cij.org/case/70/judgments>].



Part I, Art. 1, Para. 3. Treaties are the “Law of the Land” so, even domestically, the US is bound by its own decisions of ratifying those treaties. Also, the Vienna Convention on the Law of Treaties is an essential instrument for compliance.

The Vieques case is illustrative of human rights violations that would amount to grave violations against humanity affecting more than 9,000 people for more than 25 years of displacement, health and environmental issues due to the toxic chemicals, like depleted uranium, and due to the live ammunition being fired almost every day in the military maneuvers of the US Navy and NATO. One of those projectiles killed a civil guard who was working in military grounds. This was a turning point for the Vieques struggle, since it prompted the majority of the population in the main island to support the people of Vieques through massive protests, civil disobedience and arbitrary arrests.

NGOs petitioned the High Commissioner on Human Rights arguing grave violations of human rights under the Universal Declaration of Human Rights and treaties ratified by the US, i. e., Conventions against Racism, etc. The Convention against Racism has a Committee that deals with the implementation of the Racism Convention (CERD),<sup>40</sup> even if US does not accept individual petitions,<sup>41</sup> it had to submit in good faith, periodic reports.

In the Durban Conference the term “environmental racism” was brought up and accepted. The US has used environmental racism on its own population by experimenting,<sup>42</sup> and sponsoring the activities done by the multinationals in the border with Mexico, Puerto Rico, and indigenous peoples from Alaska and Hawaii, located in poor communities. Experimenting against the will of any human being is also a violation to the International Covenant on Civil and Political Rights (ICCPR) in its art. 7.

The Genocide Convention was also ratified by the United States. Genocide requires intention to destroy, by inflicting damage, either physically or serious emotional harm, and deliberately to cause damage to a particular group.

In Vieques, the time since the viequesenses suffered bombing, forced displacement because the US Navy took their lands for “security” purposes, not having adequate medical care and because of lack of information (the US Navy did not want to offer information on the toxic materials that are deposited in the soil and waters of Vieques), the accidents that have occurred, etc., one can see the intention to configure genocide.

The Genocide Convention does not have a Committee to supervise, but cases are presented to the International Court of Justice directly. The State has to accept and consent to the jurisdiction of the Court,<sup>43</sup> something that the US is unwilling to do.

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<sup>40</sup> CERD arts. 2 y 5; ICCPR arts. 1, 2.1, 24, 27. Meiklejohn Civil Liberties Institute Reports, [<https://www.mclihumanrights.org/mcli-2000-report-to-cerd-pgs88-89-re-environmental-racism/>]; [<https://www.mclihumanrights.org/mcli-shadow-report-to-the-u-n-committee-on-the-elimination-of-racial-discrimination/>]

<sup>41</sup> US made a reservation not accepting individual petitions of article 14; moreover, it does not recognized the jurisdiction of the International Court of Justice with respect to previous and specific consent for such jurisdiction (article 22.)

<sup>42</sup> CAT arts. 2.3, 6, 7.

<sup>43</sup> THE INTERNATIONAL COURT OF JUSTICE, The Hague Publ., at 31, (3d ed. 1986).

## [SLIDE 12]

**Vieques location (map annexed in Power Point Presentation.)**

## [SLIDE 13]

### **Conclusion**

NGOs have a duty to inform themselves and keep petitioning at different fora, using not only the UN Charter, but also the treaty system, and always denouncing human rights violations. They have to keep sending communications to the Human Rights Council, its special procedures, and they should be aware of the dates when the country in question is up for the Universal Periodic Reviews, and in-situ investigations. NGOs must be ready to submit shadow reports, petitions (personal or written), and use all procedures available. Individuals, as well as NGOs can petition the UN Special Committee on Decolonization, or use the Committees on the Treaty systems.

Even though, the U.S. made a reservations when ratifying the ICCPR (by trying to undermine its obligations by saying that none of the international instruments are self-executing,) such reservation might be against the object and purpose of the treat. This can be an additional violation to the Vienna Convention on the Law of Treaties. Moreover, the Supremacy Clause in the U.S. Constitution and the *Paquete Habana* case,<sup>44</sup> among others, are the Law of the Land and are in conflict with such reservations.

The InterAmerican system is more flexible because it allows for individual petitions and NGO petitions representing communities. NGOs used this system for petitioning in 2017 on behalf of all the communities that were abandoned during Hurricane Maria, with good results. Even though, the US has rejected the InterAmerican Court's jurisdiction and has not ratified the American Convention on Human Rights, it had to respond.<sup>45</sup>

Thank you for your attention, and if you have any questions, I will be happy to answer them.

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<sup>44</sup> *Paquete Habana v. US.*, 175 US 677 (1900) (determined that fishing vessels as prizes of war violates customary international law, which is part of the law of the U.S.)

<sup>45</sup> Another case worth mentioning is the one on the Shoshone peoples under the Racism Convention and the American Declaration brought forth in the InterAmerican Commission of Human Rights. That was a great victory for them and a model to follow because the case was very well received at the UN Geneva and at the InterAmerican regional system. See, Deborah Schaaf and Julie Fishel, *Marie and Carrie Dann v. U.S. at the Interamerican Commission on Human Rights. Victory for Indian and Land Rights and the Environment*. 16(1) TULANE ENVIRONM. L. J. \_\_ (2002); IACHR Rpt. No. 75/02 Mary & Carrie Dann, (US) 27 Dec. 2002.