

This response to the HR-SP Questionnaire is being submitted by the Lipan Apache Women Defense. Our input here is an expression of key dimensions of the right to self-determination and autonomy of the Ndé people, whose ancestral identity and presence transcends and historically precedes the limits of the international border between the United States of America (US) and Mexico marked by the Big Water, which is also known as the Rio Grande/Rio Bravo rivers.

This border and its militarization, enforcement and ongoing externalization throughout Mexican and Guatemalan territory and that of the Mesoamerican region, is deeply embedded in the racist, xenophobic practices of the settler colonialist states known as the United States of America and Mexico, and their equivalents throughout the Western Hemisphere. These continuing policies and acts of structural and systemic violence- summarized here and documented in the attachments to our response- rise to the level of crimes against humanity and persecution of indigenous peoples, communities of African descent, migrants, and women and children, in defiance of the applicable standards of international law pursuant to the Rome Statute, and of the minimum requirements of human conscience and decency. ***None of these crimes on both sides of the border have yet been fully addressed by the kind of participatory transitional justice process to which we are committed, and demand, and that we are entitled pursuant to international standards.***

We were born from Gochish (Lightning People), Gonicéindé (Big Water People), Suma Ndé (Red Mud Painted People), Cúelcahén (Tall Grass People), and Cīsiihíndé (Black Rock People). In this text, we use "Ndé Lipan Apache" and "Lipan Apache" interchangeably.

Since the mid-to late eighteenth century, the Ndé have interrelated in kinship, marriage, reciprocity, ceremony, governance, cosmology, justice, and land-based knowledge systems with Tlaxcaltecas, Nahuas, Coahuilas, Kickapoo, Jumano Apaches, and Mescalero Apaches, on both sides of the US/Mexico border. Inter-exchange and alliance building through inclusive kinship relations - rural to urban - are persistent features of Ndé forms of cultural resilience and adaptation, which constitute responses to ongoing threats to our indigenous worldviews and rights.

We situate the Texas-Mexico border wall and all of the trappings and expressions of border militarization within Ndé oral history and narratives of genocide, colonization, carceral containment systems, and have undertaken land-based struggles as an act of reclaiming the Ndé homeland, *Kónitsaahii gokíyaa*. This text challenges the state's normative sovereignty and the uncritical acceptance of zones of impunity. The time has come for a radical rethinking of indigenous anticolonial movements along and traversing U.S. borders as a key nexus where indigenous revolutionary consciousness, resistances to state violence, and reclamations of indigenous rights are reshaping the epistemology and governance of lands, territories, and communities on both sides of the border.

On and across the Texas-Mexico border, Ndé people's memories of genocide point to sites where indigenous knowledge challenges Texas, the United States, and the Texas-Mexico border wall as constructions of the permanent "state of exception" imagined by Walter Benjamin, Giorgio Agamben, and Achille Mbembe within the framework of the "traditions of the oppressed". Situating the border wall within the Ndé genocide and social memory of the prison provides a basis for a counterhistory of indigenous narrative memory locked up in bodies, photographs, earth, and containment. This witnessing shatters the normative conception of European- "American" history as predetermined, compartmentalized

periods where indigenous peoples in the Texas-Mexico border region are merely shadows, dehumanized and dismembered figures.

The border wall is an integral part of this state-sponsored machinery of war and destruction.. Indigenous confrontations with settler colonialism defy the official public memory, which normalizes the Texas deathscape, the killing fields, the prisons, the internment camps, the mega-ranches, monoculture cotton and citrus fields, and oilfields. Nde views, within enclosed and supervised spaces, continually narrate against forgetting the truth of what was witnessed, that "colonial occupation itself was a matter of seizing, delimiting, and asserting control over a physical geographical area - of writing on the ground a new set of social and spatial relations."

The Nde extended kin - who ground resistance to the border wall in a community-based, antistate alliance - bear indigenous witness in defense of a worldview connected to responsibilities and accountability. This framework demands from them a confrontation against capitalist and patriarchal normality, atrocity, gender violence, and settlers' ritual coloniality. Nde are actors in a resurging revolutionary consciousness across the region; Nde popular constructions (denouncements, posters, artwork, song, poetry, film) demonstrate the resilience and persistence of more than four centuries of forging alliances with Tlaxcaltecas, Nahuas, Coahuilas, Purepechas, Mescaleros, Jumanos, Kickapoos, and urban Xicanos.

(750 words approx. introductory segment ends here)

All of these are trans-border indigenous peoples who are collective, transnational collective subjects of the rights at stake within the framework summarized above and described in greater detail below and in the attachments to this response.

Drawing from the taproots of this history, Nde have galvanized a pluriversal indigenous reality, which challenges the bounds of the identities imposed by state and oligarchic wardens upon indigenous peoples: "*Mexicans*," "*Latinos*," "*illegals*," "*foreigners*." Privileging the testimonies of elders, women, and chiefly peoples, we seek to underline the importance of Nde's inherent relationship to a homeland which is neither bounded by borders, nor based in biological "*Native*" authenticity, ethnicity, or race. Instead, our worldview is inter-woven through a complex web of kinship, remembrance, and the recovery of mother tongues, first foods and water governance, and gender complementarity in self-governance.

Demanding an interrogation of state criminality relative to the border wall has been at the fore-front of indigenous women's call for shared participation in decision making, critical ethics, and revitalizing indigenous protocols and principles based in respect and regard for elders and indigenous knowledge systems. As witnessed in the creation of women-led lawsuits against the government, indigenous women's concepts of self-governance - founded in reclaiming and recovering matrilineal, matrilocal, and matrifocal knowledge systems - critique the patriarchal violence aligned with coloniality.

Nde elders', women's, extended families' and chiefly peoples' knowledge systems, in conversation with each other, have historically been a resource shaping indigenous peoples' analyses and interrogations of genocide and state crimes. Since 2006, we have been working alongside Nde people in the recovery of memories, stories, and documents for the express purpose of supporting self-determination and rights recovery. Here, I provide remembered and recovered Nde clan and kinship knowledges from *Kónitsaahii dá'ááši gokíyaa* - The Nde customary territory encompassing over 6.5 million acres in the Texas-Mexico binational region. These are fragments from a much larger project by, with, for, and alongside indigenous peoples, involving mapping and digitizing Nde experiences prior to and after genocide and state criminality.⁶ From the Nde methods approach, the U.S. border wall and its attendant capitalist,

development, and destructive intent are situated within Ndé memory and story. This perspective centers indigenous agency prior to and enduring beyond the wall.

We borrow here Patrick Wolfe's statement on settler colonialism, which is useful for understanding the European American occupation of indigenous time, place, and space. Thus, decolonizing the construct of European American history is understanding the indigenous viewpoint: "invasion is structure not an event." For generations, indigenous decolonial challenges and defenses were enacted through ritualized remembering, memorializing, and returning. Reclaiming indigeneity as a positive - as a struggle to protect indigenous self-governance in a multi-gender value system and within a constellation of gendered worldviews of Kónitsaahii dá'ááši gokíyaa - is central to rethinking indigenous peoples' genocidal trauma, and its reoccurrences. Recovering is inevitably interwoven with remembering and reenvisioning ourselves as the landowners of our customary lands, and with breaking the chains of anthropological objectification. It is within the indigenous conception of temporal, spiritual, psychic, and physical continuums of endurance and adaptation that confrontations, refusal, dissidence, and resistance to replacement and elimination get enacted

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