

Settler Colonialism in Palestine and the O'odham Homeland

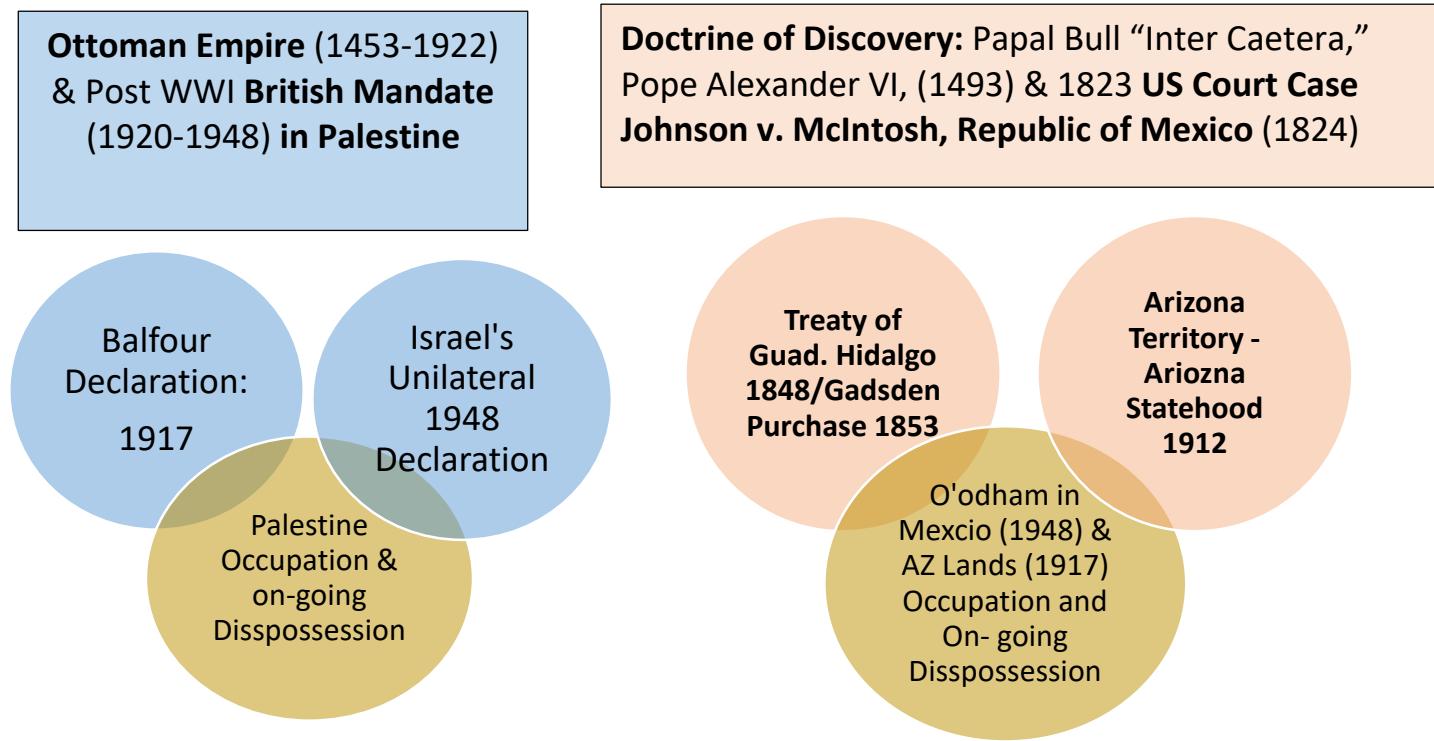
Settler Colonialism in Palestine and the O'odham Homeland

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Diagram 1. Legal Instruments of Occupation Used Against O'odham and Palestinians



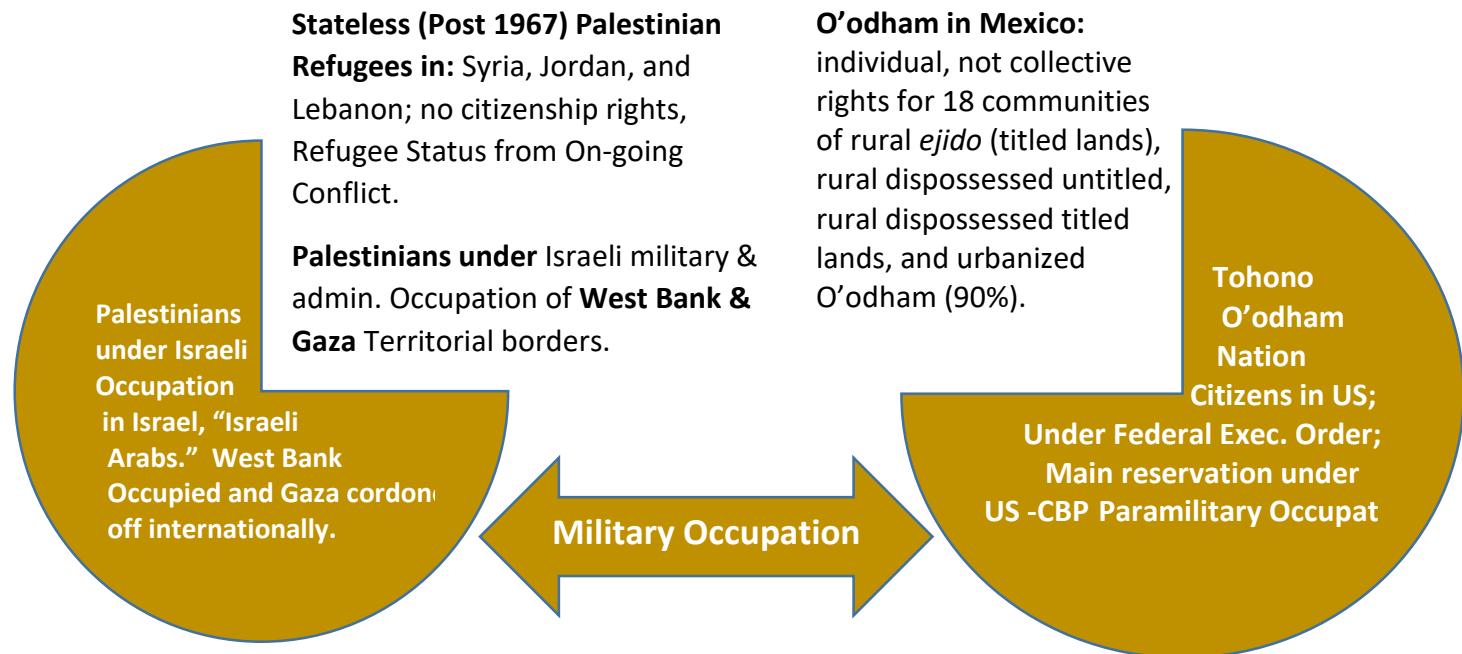
Settler Colonialism in both Palestine and O'odham lands implement legal instruments for the legal foundation of immediate, post-conflict or open ended and staged occupation as illustrated in Diagram 1 above. Settler Colonialism *in situ* is launched by settlers who take, by force, natural resources necessary to live in the immediate environment. Settler Colonialism often then extends its geographic control to the egress and ingress of indigenous territories and communities through control of watersheds and productive lands by direct military occupation or exclusion of indigenous peoples. Settler colonists universally adhere to a state ideology of legal occupation enacted though state financial support for indigenous land dispossession, and forced and often violent physical displacement of indigenous communities. Settler colonists are successful when supported by covert or overt paramilitary forces of their own, a standing army, or frequently, a combination of overt paramilitary and state military forces. The severity of the current occupation of Palestine by Israel (1948-2017) is more intense and longer of duration than the Occupation by the Paramilitary force of the Customs Border Patrol of the Tohono O'odham Nation (2016-2017), which since 2006 has increased exponentially by CBP and other US security and police forces on the reservation.

O'odham in Mexico (Sonora, Chihuahua, and Durango) illustrated in Diagram 2 currently have no legal collective rights either as a nation or as indigenous communities. Two-thirds of the 1,500 - 2,000 O'odham in Northern Sonora, México are legal members of the Tohono O'odham Nation in

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the United States under US Federal statutes. They are now mostly dispossessed of their rural communities and 80%-90% live in urban or peri-urban enclaves. They cannot freely enter the United States or their main reservation on the Tohono O'odham Nation. As a result of the 1852 Gadsden Purchase amendment of 1848 Treaty of Guadalupe Hidalgo and current post 911, 2001 US border militarization, they are in effect citizens of an indigenous nation illegally excluded from their own territory by the US government.

Diagram 2. Comparative Status of O'odham and Palestinians under Occupation



Palestinian refugees exiled to Syria and Lebanon in 1948 are designated by the United Nations as war refugees, but they cannot freely enter Israeli occupied Palestine as illustrated in Diagram 2. They do not have citizenship in either country, though those from 1948 exodus in Jordan do have citizenship. As refugees they have a burden that O'odham in Mexico do not have- they are effectively stateless except as citizens of Palestine which only recently received partial United Nations' recognition.

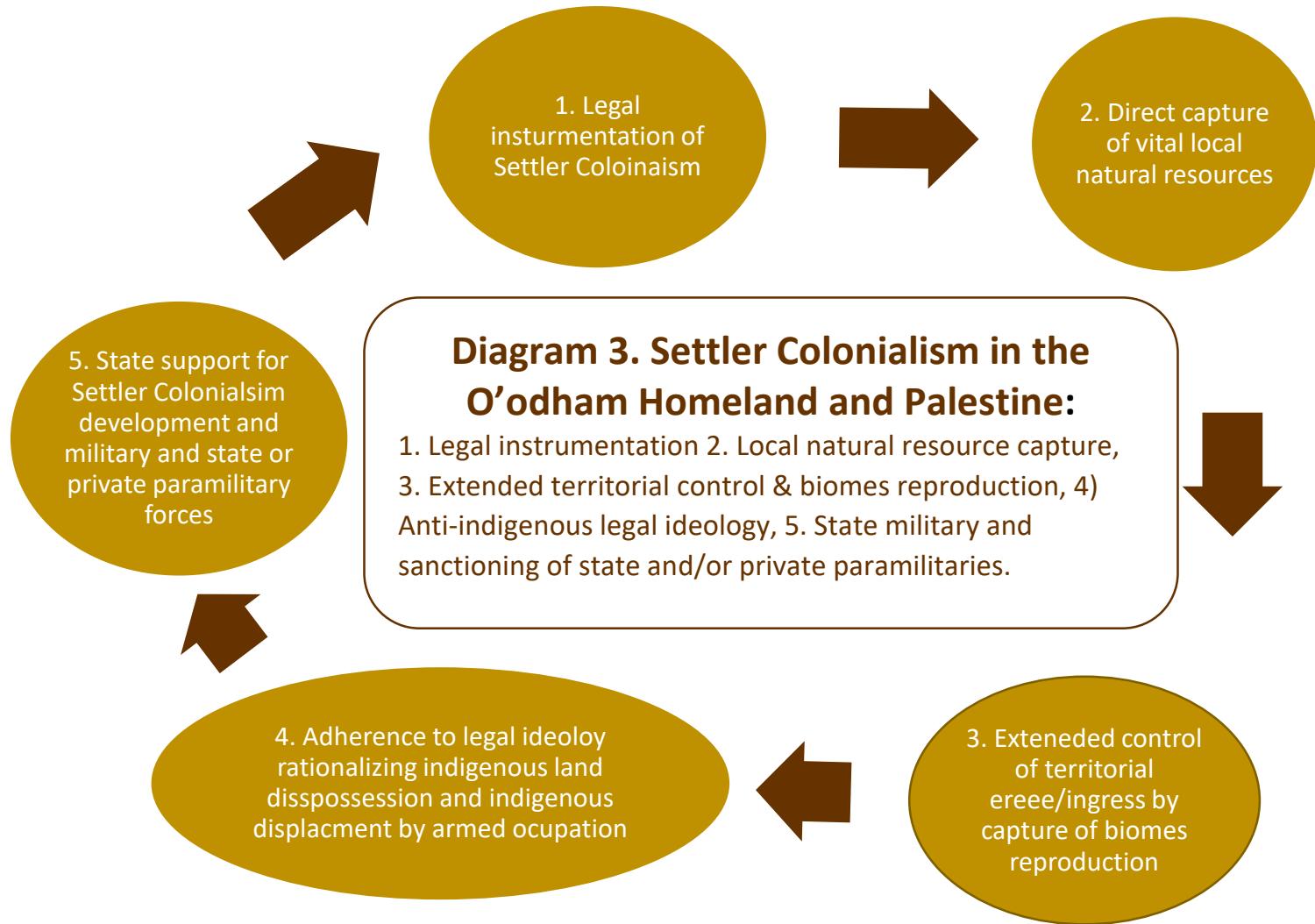
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The West Bank Palestinians experience on-going occupation through Settler actions of destroying Palestinian agricultural production, water control, and low intensity conflict including terrorism supported by the Israeli IDF.

O'odham on the Tohono O'odham Reservation (Papago Res.) share a similar status as West Bank and Gaza Palestinians in those two areas of Palestine in that their populations and land are under military occupation and or territorial control by the Customs Border Patrol. Gaza is not technically occupied but its territorial perimeter is also extremely controlled by Israel except for Rafah Crossing into Egypt. The CBP shares a symbiotic relationship of force with the drug and human smuggling Cartel in Sonora, Mexico against O'odham peoples in Sonora and on the Tohono O'odham Nation as well as immigrants. Violence has increased in the that border zone since the arrival of the CBP in 2006. The social process of Settler Colonialism, while distinct and in some aspects unique for Palestinians was carried out with some features now being used against O'odham in Sonora, Mexico and on the Tohono O'odham Nation in Arizona, USA. This is illustrated in Diagram 3.

Both the **Tohono O'odham Reservation and the West Bank** are testing and training border zones where deployed military or paramilitary by US and Israeli forces work in concert with for-profit companies' high technology deployed as border walls, drones, telecommunications satellites, sensors. The zones of control are extended by military checkpoints to maintain social control in Palestine, or are under planned construction on or near the Tohono O'odham Nation to establish such control.

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Water Regimes in Historic O'odham Territory

Militarization of the border lands in the Sonoran Desert and the Sierra Madre Occidental where O'odham peoples have lived, is nothing new. Since first contact in 1531 in Southern Sonora, throughout the era of New Spain under Spanish rule, the Jesuits and Spanish military forces both opposed O'odham autonomy

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and, at times allied with O'odham in pursuit of a common enemy. O'odham groups experienced different phases of Spanish colonization and settlement in southern Sonora from 1531 through 1690 and then in northern Sonora from 1691- 1820. Catholic Missions were established at river tributaries where Akimel O'odham already lived and cultivated crops. Spanish garrisons were located to defend them and expand their reach.

After independence from Spain in 1820, Mexican colonization and settlement of O'odham lands in Sonora was legislated in 1840. In 1848, a result of the Mexican –American War was the United States having rested territory from Mexico, and with the finalization of the Treaty of Guadalupe Hidalgo in 1852 - moved the geography of the border from the Gila River to Nogales. Throughout the mid to late 1800's, Mexican Federal authorities were unable to secure their northern border. O'odham communities and mestizo communities came under Apache attack in the Altar Valley northwest of Magdalena, Sonora, resulting in a generation of displacement.

In 1863, Arizona territory was established in the United States and lasted until 1912 with the establishment of Arizona statehood. In the last two decades of the 19th Century, in Mexico and the United States, re-colonization and re-settlement continued in Northern Sonora due to cattle ranching invasions and water source confiscation on both sides of the new border, further displacing O'odham communities. O'odham tribal lands were established under United States law at St. Xavier del Bac in 1874; but the formation of the larger and main reservation, the Papago Reservation, went through a series of additions and subtractions from 1874 to 1937 when its size was consolidated to roughly 25% of the original pre-Hispanic Tohono O'odham homeland.

In the period of the 1940's and the 1950's, Anglo and Mexican ranchers were responsible for further displacing O'odham communities and families. The nationally legislated State Land Commission of Sonora codified and consolidated O'odham lands by titling land to Mexican Ranchers and at least one Anglo rancher who operated in Mexico, all the while ignoring Hia Ched O'odham as nomadic O'odham, and Tohono O'odham land uses as bi-seasonal peoples, thus "legally" dispossessing both O'odham groups of access to natural resources. The State of Sonora extended credit and water rights to ranchers enabling them to further colonize rural O'odham communities without penalty.

In 1947, an attempted Bureau of Indian Affairs' Papago Development Program for competitive livestock raising in all districts of the Papago Reservation in Arizona failed. The resulting social consequences subsequently pushed more O'odham into poverty and off the reservation. In the period from the late 1800's to the early 1960's O'odham from Sonoran fled, seasonally lived in, or returned from family dwellings in Mexico to communities which became or were on the Papago Reservation. For example, families from the Gu Vo District of the TON fled Sonoita after fields were overrun by Mexican colonizers. The area around El Plomo in 1885 witnessed conflicts between O'odham and Mexican cattlemen, with O'odham fleeing in 1888 to the area of what later became the Chukukut District of the Tohono O'odham Nation. O'odham from Caborca moved to various districts on the Papago Reservation in the early to mid-20th Century.

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Water Regimes in Modern Mexico

Ranchers as Settlers

The configuration of interests that sought to govern O'odham on their land also included a private rancher. By August, 1937, the neighboring mestizo family of Mariano Jaques came into conflict with O'odham from Cumarito. Given the constant need for watering holes to sustain large herds of cattle, seasonal water seeps likely presented opportunities for cattlemen little concerned about the customary seasonal practices of O'odham on lands they farmed. Language in the Governor's second admonition to the Altar District President in six months singed by the Chief of Staff, Carlos Maldonado, as El Secretaria del Gobierno, revealed that Jaques had also visited the Governor's office prior to the O'odham delegation's arrival and pleaded his case to no avail. He was described by Maldonado as "pretending to pass himself off as the victim," and was identified as a guilty party to previous conflicts between Mexican mestizos at El Rito and O'odham from El Cumarito. The governor's appointee again drew on language which asserted the obligation his government had to protect the "tribes" (tribe) just as the neighboring United States had set aside an indigenous reservation also in order to protect them.

The Jaques family accessed the summer water seeps for cattle at Wo'oson (El Bajio) that resulted from summer rains. Such actions of "harassment" against O'odham in adjacent lands had started in a pattern, in what was for the rest of Mexico, the post-colonial period, but for Tohono O'odham in the border region, a continuation of colonization of O'odham lands by ranchers like Jaques.

Colonization took on two main forms: acquiring land by both buying titles from other landed mestizo families, and by fencing in portions of Wo'oson (El Bajio) to later make a larger claim of possession. Adjacent to Wo'oson stretches of open lowland desert scrub vegetation were used by Mexican Ranchers for cattle grazing in an attempt to assert a land claim based on legal possession for ten years. Ownership by possession was a provision which the Mexican Revolution of 1916 encoded in the constitution. Such possessions can be legalized, even when in dispute or involving "violence" after ten years according to the Mexican Civil Code.

O'odham Resistance to Settler Displacement

By August a second contingent of O'odham complained to the state governor's office, once again about a confrontation between members of El Cumarito, another nearby long held O'odham settlement, and Mr. Mariano Jaques. The Governor's office instructed the Municipal President of Altar to require Mr. Jaques to again cease such activity, such as the grave insult lodged by him against Dolores Valenzuela, an O'odham from El Cubabi, whom Mr. Jaques accused of being a "foreigner". The same pattern of land acquisition by "possession" that attempted to ignore the O'odham who had lived in the area from "time immemorial" by fencing them out, continued. Jose Maria Garcia had witnessed, as he recalled when he told his son, José Martin, that the Dominguez and Segundo families were forced to vacate their own homes by Mexican soldiers who accompanied Mariano Jaques. Jose Martin Garcia was a younger generation than Maria Jesus Dominguez, an O'odham Traditional Leader even into the late 1990's.

In contrast to the legal dispossession of Wo'oson under Mexican Agrarian law practice in 1928, , the Mexican army's armed dispossession of the Dominguez and Segundo Families from their settlements marked the physical displacement of indigenous O'odham from their native land. That displacement

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advanced Mexican Settler Colonialism over O'odham settlement in the near border area to a second stage. The Doming and Segundo families had not received subsidies nor were they granted land titles by Sonoran state authorities.

The growing ambition of cattleman like Mariano Jaques coincided with Mexico's agrarian plans. He extended his range land by fencing in an area customarily used by Wo'oson (El Bajio) O'odham according to a complaint filed by local O'odham leaders with the Governor of Sonora in 1937. Mexican and Anglo colonists, backed by government planners seeking to territorially expand agricultural and rangeland frontiers used iterative land expansions to dispossess Akimel, Tohono, and Hia-Ched O'odham communities of their land and their water resources. They were in effect a Mexican continuation of the Spanish legal recognition of confiscated lands from indigenous in New Spain based on the Doctrine of Discovery.

An altercation occurred in 1942 when fifteen local O'odham removed fences erected by Zepeda Family ranch hands to effectively fence O'odham out of some land at Wo'oson. Those O'odham were arrested as a result of their actions against the fencing, but subsequently released on orders by the state criminal court, the Secretaria del Ramo Penal, in the same year. Enterprising ranchers like the Jaques family were part of a rising class of land owners that exercised their economic power through their political affiliation with livestock associations. The burgeoning cattle industry posed a political challenge to governance for state authorities. In 1932, Sonoran Cattlemen became one of seven autonomous state level livestock associations throughout Mexico by legally incorporating under the Law of Association passed by the Mexican Congress in the same year. By 1936, their stature rose even higher when the Mexican Congress passed a General Law of Livestock Associations and the National Livestock Association was created. Many agricultural producer groups had formed like associations in 1932, but in 1936, under the Lázaro Cárdenas presidency, the cattle industry became a centralized organization separate from other agricultural interests not just in Sonora or other states, but at the national level.



Cedag Wahia cistern for holding winter spring water. 20 Feb. 2012. Photo: Blake Gentry.

One sign of the state responding to their new political power appeared in Sonora in June of 1945, when the Governor of Sonora, Lic. Antonio Canale, issued the State of Sonora's Department of Livestock's public record number 415-3225. The document laid out legal obligations for associations, citizens, and ejidos for maintaining branded cattle with legally registered brands. The statement instructed the administrators of the Department of Livestock to treat individual brands from ejidos as pertaining to the ejido as a whole. He furthermore instructed the Department to incorporate ejidos as legally recognized livestock associations just as the Cattlemen's Association; which was by then a center of rural power in Sonora. He attempted to administratively bridge the apparent gap between regulation of livestock ownership for officially recognized livestock owners, and that of the more plentiful citizenry who constituted other "agricultural" producers as small holders.

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At issue was the need for the government agency to clarify that by voluntarily complying with the practice of cattle branding, ejidos such as Cedagi Wahia (Pozo Verde) and other northern border O'odham communities, everyone's cattle would be identifiable. Unbranded cattle favored cattle rustling, a common source of score settling among O'odham and mestizo ranchers where water sources customarily used by O'odham were targeted by mestizo ranchers for watering their cattle. While open ranges and non-branded cattle facilitated a mobile if not smaller herd capable of rotation among temporary grass stands, deep wells in effect extended pasture land for mestizo ranches by combining well drawn and seasonal water sources.

By fencing off land used customarily by O'odham on a seasonal basis, a rancher could secure more pasture land by de facto possession that included seasonal seeps or waterholes; known to the O'odham as a Wa:k. Well digging was also a potent tool for colonizers enabled by federal policy and enforced by local authority. Wells successfully dug could draw down the water table in areas where surface water only appeared as seasonal seeps, thereby eliminating O'odham livestock from access to water. The commodification of water expedited the supra exploitation of grasslands by human introduced ruminants; the open range however was disadvantageous to state regulation of a major economic activity.

National Colonization of O'odham Lands in Mexico

In the post-revolutionary period after 1910, national cattle stocks in Mexico were low due to extensive culling during military campaigns of the revolution. The Plutarco Elias Calles Administration in 1926 promulgated a series of laws that changed the land tenure system nationally and that of O'odham land holdings: the creation of the National Irrigation Commission, an Agricultural Credit Law, and a Law for Colonization. President Calles sought to modernize agricultural and livestock production and thus allowed unitary land holdings to remain that were irrigated, but large estates were broken up, and untitled indigenous lands left unprotected. Thus began the modern dispossession of O'odham lands from O'odham who lived on them.

Traditional O'odham leaders in Sonora reacted strongly to Mexico's land polices of the 1920's. Their first major political response or "movement" occurred when traditional O'odham leaders held meetings to discuss land issues in Quito Vac, San Francisquito, Pozo Verde, La Nariz, Sonoyta, and Cumulito. Trips organized to Hermosillo to complain to the state government resulted in the granting of congregaciòn titles for Sonoyta, Cumarito, Pozo Verde and Quito Vac. Sonoyta and Pozo Verde were eventually both legally made into ejidos. However, the Sonora state government had planned to move all of the O'odham into these two ejidos, a position roundly refused by O'odham in Sonora.

Far from avoiding state authorities, O'odham traditional leaders acted in unison to make political demands for reclaiming land brazenly taken by private ranches but sanctioned by federal laws for thier enclosure. Given O'odham traditional leaders mobilized in unison, the State government of Sonora moved federal agrarian authorities to approve of land titles for four communities, albeit without recognizing the basis of their ecologically different land tenure practices of summer fields for Tohono Tohono O'odham (Gu Vo, Cedagi Wahia, Cui-I Gesk, etc.) which were distinct from some Akimel or River O'odham at Caborca and Sonoyta.

O'odham land entitlement though did not lead to a peaceful co-existence with encroaching mestizo ranchers. More seasons of drought would eventually appear, and the millennial O'odham balancing of

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labor and exchange of goods with O'odham in other areas with more productive rainfall was not tolerated in a sedentary, extractive use of desert grasslands and riparian areas by mestizos. When O'odham sought to make such exchanges with other O'odham communities, their absence signaled to ranchers, who once imbibed with the revolution's goal of land for those who work it, occupied it. Cattle raising on a commercial scale with irrigation, credit, and extensive herds was considered the most legitimate "agriculture" in the Sonoran plains, not cultivars from seasonal run –off agriculture produced in small communities.

Beef cattle had long ago supplanted venison as a valued meat in colonial times parallel to the despoiling of native grass habitats and montane forage for large game like Mule Deer and Pronghorn Sheep, if not less for rabbit and other mammals for proteins.

Cultivation of wheat, originally acquired by the O'odham through trade or at the missions extended the carrying capacity of desert land where rain was abundant, brought some marginal areas into cultivation. Mary Garcia's father used diverted temporary field flooding to soak wheat seeded fields to produce wheat at Wo'oson. But arid lands in riverine and desert environments were however critically disrupted by prolonged drought in the northern region for 19 years in the period 1882-1905 - putting tremendous pressure on Tohono O'odham and Akimel O'odham. By 1880 stocks of cattle grew from 40,000 to 1.5 million in Arizona; overrunning Arizona grasslands to feed the Southern Pacific railroad construction.

O'odham Defense of Wo'oson Community

The peace entrusted with the release of O'odham after the confrontation with the Woods/Zepeda family's ranch hands in 1942 did not last. By the fall of 1945, the Governor General of the O'odham in Sonora and "nine others" were arrested for the same reason; removal of fencing erected on land owner Maria Jesus Zepeda, which the O'odham leader described as having "almost surrounded us". One that occasion, a written complaint by José Ventura Bustamante, Governor of the Pápagos (O'odham) from Cedagi Wahia and Wo'oson, distinguished the actions of previous Mexican governments, including the revolutionary government, which had respected their traditional usufructuary rights.

Cedagi Wahia O'odham reported in 2017 that Zepeda had legal title to a little more than 27,000 hectares, but had nevertheless fenced in some 54,000 hectares; or double that amount. Within ten years by 1957, that amount reportedly rose to 70,000 hectares. They openly accused him of "harassing and trampling our [land] possessions". From 1914 to 1945, they recited an accusation that Zepeda made against them as "foreigners who are harmful to the well-being of the country [of Mexico]". The desperation of the O'odham's imprisonment and the resolve of the actions O'odham took, led to a palpable plea made by Ventura Bustamante describing a collective O'odham view of themselves as desert peoples under threat:

Given that this situation is intolerable for us because it practically means our death as the land that Mr. Zepeda has taken from us away and who now seeks to colonize, will make it impossible for us to sustain ourselves as well as our families, so that for self-preservation we were forced in August this year to bring down this fence . . . since time immemorial have held the lands that comprise the Rancherias 'Pozo Verde' and the 'Bajío', known to us as sufficient to ensure our life and work in the only way we know how, which is from small livestock and seasonal agriculture.

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By the 1950's, the Zepeda/Woods family had secured title on the lands where the O'odham family of Maria Jesus Dominguez's family lived year round. The Dominguez family harnessed seasonal monsoon rains enough to grow O'odham sixty -ay corn, and other crops needed for their family's consumption. Part of Wo'oson (El Bajio) proper was also taken by the Zepeda-Woods' cattle operations. For Wo'oson O'odham if an abundant harvest was gathered, some would trade with their neighbors - the Maria Jesus Dominguez family - for meat or a few tools. Even with scant rainfall, the Dominguez family did not move to higher ground in the winter, but still only cultivated in the summer - Maria Jesus Dolores Dominguez and other O'odham from Pozo Verde and El Bajio objected to the ranch hands of the Woods' family having erected fencing on Wo'oson (El Bajio) land.

In the 1960's there were O'odham actions to remove fencing of Woods Family ranchers erected on the western enclosure in the 1960's just west of Coyotee Wash, as well on the eastern enclosure constructed by Woods and Munoz, an action that Harry Noriega from Wo'oson was jailed for. Most recently, in the 1980's again fencing that had segmented the Chapel of Saint Carmela on its southern flank was removed from the Southeast corner of the Pesquiera family land claim up to a line perpendicular with the church facing north, and then from there to the shorter length to the southwest corner where a metal post remnant was a sign point. lands they used for traditional 'ak-ciñ agriculture at El Bajío

As Cavada (2011) points out, a government appointed investigator drew his own conclusion about the nature of the [Wo'oson] El Bajío land struggle:

Fabila traveled from Mexico City to one O'odham settlement after another where he collected ethnographic data that led him to conclude that mestizo encroachment had created an 'alarming situation,' which, if allowed to continue, would constitute a 'grave injustice.'ⁱ

Mexico's Modernization Project

In 1942, Mexico dedicated new resources to expanding its agricultural frontier by creating four water districts in Sonora, one of which was the Altar-Caborca district. Ramírez (4.1, 2010) and Almada (2000:148) pointed out that under the agrarian program, 75% of the newly irrigated land favored large private land owners, not the smaller Ejido or communal lands, like those of the Cedagi Wahia (Pozo Verde) O'odham then established at Wo'oson (El Bajio).

From 1942-1955 five new constructed dams and 1,300 deep wells irrigated 505,000 hectares statewide; 33.6% of which were from wells. The Cuauhtemoc Dam at Tubutama in northern Sonora, was not built until 1950. But in 1949, the federal congress passed legislation favoring the expansion of *Colonias Agrícolas y Ganaderas* (*Agricultural and Livestock Colonies*). The legislation in effect extended finance to ranchers, favoring the capitalization of agriculture to benefit politically well-connected medium and large land owners whose social capital gave them more access to Sonoran banks. In a state with the second highest number of banks in Mexico by the late 1940s according to Castillo Ramirez (2010), the O'odham in Altar Valley witnessed emigration of mestizos from Mexicali and other places to Altar Valley and to other O'odham inhabited lands, like the Sonoyta River Valley where vegetation was once lush.

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Titles were issued despite concurrent traditional O'odham land uses and presence on the same land then entitled to Anglo and mestizo families; and this affected O'odham in Altar Valley and the Wo'oson Valley as well. O'odham bi-seasonal land uses did not deter the practice of land titling among well connected families like the Anglo and Arizona based Woods family who outside of Sonora, but nevertheless obtained land through marriage with the Mexican family Zepeda in Sonora. New water infrastructure was built and wells drew sub-surface water in rural desert scrub areas in the Altar valley where small arroyos provided little capacity for commercial agricultural enterprises. With legislative power and private capital ranchers were then able to store and subsequently exploit rainfall through state controlled commodification of the Altar Valley watershed. Capture and regulation of that natural resource reduced the survivability of small holder family and community based agriculture in dry months and subsequent drought periods.

As the General Agrarian Agent (*visitador agrarians*) Lic. Lorenzo Torres Gastelum explained to researcher Castillo Ramirez, “*but the decree [which created the colonies] gave the right to the Secretary [of Agrarian Reform] to form colonies, and they were established on those lands [in the Altar Desert], which were also lands of the O'odham.*”ⁱⁱ

Cedag Wahia and Wo'oson, and the approximate 12 miles between exist in a transition zone within the ecotone that contains a larger edge of Upland Arizona than of the Lower Colorado River biome - but inclusive of both. Coyote Wash, where Wo'oson was established, is a riparian area. Mexico's legal agrarian landscape changed again with newly promulgated federal agrarian reform laws in 1940. In Sonora, they favored large landholders, whether such lands were entitled through legitimate purchase or by entitlement of indigenous lands first acquired by illegal fiat. Small holder O'odham communal lands were not offered state agricultural supports which were nevertheless extended to the mestizo ranchers and farmers: deep wells for commercial agriculture, irrigation, and independent finance. By 1950, land holders in the Altar Desert were included in a state plan for land distribution that discriminated against small holders including O'odham from state supports along ethnic lines.

In the past two decades, ranches from which Cartels operate have acted violently against O'odham community property. Violence destroyed two houses at Wo'oson community of the Garcia family (one is shown in the photo to the right) in the 1990's – 2009. Such acts are not merely an opportunistic action of Rancher / Cartel operatives to facilitate displacement of O'odham west of Coyote Wash in Wo'oson, to dispatch a few transshipments of narcotics or smuggled immigrants, because they seek and can then gain access to water, which includes this Garcia family pond, used for their own livestock, shown in the photo no. 1.



Photo no .1 Burnt out remains of Elena Garcia home after fire in 2009, Wo'oson, Son. Mexico.
Photo: José M. Garcia Lewis.

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Many former villages dot the O'odham landscape, but they are for many O'odham - part of the landscape itself. The sacred nature of their ancestral presence is contained within an inseparable whole; a whole made both of human vestiges and desert land forms, of ancient and recent migrations, of changing climates and relationships with animals who also share in such bounty. O'odham most often consider the Sonoran Desert as an open and free land for all peoples who do not abuse it or its resources. It is not a property wielding ideological possession that binds O'odham to desert lands. It is not therefore the Doctrine of Discovery which O'odham adhere to, but rather their millennial mutualism that defines their customary uses of its flora and fauna.



Photo no 2. García Family's Pond, west of Coyote / Vamori Wash in Wo'oson, Sonora, Mexico. 15 Oct. 2017. Jose M. Garcia Lewis Photo.

Urban O'odham Water Resources

Urban O'odham is a new and still for the Shon Odiak O'odham (Sonoyta) community obscures both the rural origin of Shon Odiak O'odham and the nature of modern Sonoyta as a border town. In 1928, both the Shon Odiak (Sonoyta) O'odham in the Municipality of Gral. Plutarco Elias Calles, and the Cedag Wahia (Pozo Verde) O'odham community in the Municipality of Altar were granted ejido status. In the case of Shin Odiak (Sonoyta), their land base was greatly reduced, and in the case of Cedag Wahia, which is examined below, it was significantly altered.ⁱⁱⁱ

Mexican mestizo colonizers emigrated to the Sonoyta Valley and pushed the O'odham a mile further down the river - than they had been located by the late 1920's, and the ejido subsequently granted them only was a paltry 2.232 hectares.^{iv} Even as late as the 1940's Shon Odiak O'odham practiced a diverse subsistence economy based largely on cultivation, but supplemented by animal husbandry, gathering of desert fruits, hunting of game, and cash from excess agricultural production.^v At the Sonoyta river, O'odham families farmed the riverbed and lived along the river banks separately from Mestizos until Mestizo encroachment shifted from agriculture to an urbanized border transportation corridor, where commercial development gradually urbanized the immediate access zones lining the highways oriented west and south. The status of O'odham lands was then subjected to an influx of settler-colonists.

the policy of colonization of the desert promoted by the State. . . formed a series of ejidos . . . [and] altered the balance of exploitation of resources of the desert that had characterized the O'odham. On the one hand, they drilled a series of wells for the newly formed ranches and ejidos, which decreased the flow of water, coupled with this . . . the biggest impact was the construction of a dam that almost completely reduced the tributary of the Sonoyta river main source of water for crops of O'odham lands. Without sufficient water and with the frequent invasions of land by Mexicans, planting ceased to be a survival strategy for the O'odham. (Guillermo Castillo, 2011)^{vi}

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O'odham visiting seasonally from other O'odham communities as near as Ajo, and as far as Sacaton, was highly curtailed by 1947-1948 according to Doña Herlinda Lizárraga Neblina, with the construction of the Lukeville Crossing on the America side. Ironically, O'odham coming from the United States then were less able to freely enter Sonoyta and return to O'odham communities in Arizona on and off the Tohono O'odham Nation^{vii} because the US erected a border crossing port of entry just as Sonora was colonizing O'odham land further east in the Altar Valley. The exchange of goods and labor between the visiting Tohono O'odham (desert O'odham) and the Akimel O'odham (River O'odham) at Shon Odiak ceased as a customary economic function of their extended familiar and social relations.

For Mestizo or Anglo ranchers, capturing and guarding water from the natural watershed, including spring water, was the “forwarding operating base” of yesteryear. By locating extant O'odham seasonal settlements and villages, ranchers and mestizo ejidatarios found the water sources they used. Toward Sasabe, ejidos la Nariz, and Ejido Valdez, and closer to Shon Odiak (Sonoyta), ejidos Domingo y Josefa Ortiz de Domínguez exploited the Sonoyta watershed.^{viii}

O'odham customarily assisted other O'odham just as relatives visited Sonoyta to benefit from harvests. As Shon Odiak O'odham traveled on a seasonal basis to Ajo, to Gu Vo District and other places from where relatives and other non-relative O'odham visited them, they renewed ties to O'odham communities where relatives lived in Gila Bend, el Ajo, San Lucy, Quijotoa, Sacaton, San Simón, la Angostura, Santa Rosa.^{ix}

Bi-National Dispossession of O'odham Land and Water Resources

And then in their migratory absence, ranchers fenced the water sources into their expanding land holding. By cutting off the open range, where O'odham also held small amounts of cattle, ranchers began to commodify not just the disappearing grasslands from over-grazing, but also water as private property. The practice went well with state sanctioned land titling of *tierras baldías*. Indeed, state sanctioned land titling provided legal cover necessary for dispossession of indigenous lands, and indigenous customary land uses, such as the open range, to colonize O'odham lands.

The legal regimes that defined property, whether under the imposed Anglo system of deeds, or the Mexican system of Mestizo colonized *tierras baldíos*, the effect was the same; O'odham were disposed of their lands. In both cases, Anglo and Mexican political authorities were aware of the injustice, but to stop it, a reversal of state (read dual national) laws would have been necessary. The calamity of Indigenous O'odham and loss of access to desert and river land from 1852-1912 from which their culture is intrinsically derived were ignored.

A similar process in Arizona territory in the late 1800's when San Xavier de Bac reservation was established in 1874 and Gila Bend reservation in 1882. Conflicts with ranchers occurred on both sides of the border in traditional O'odham lands in the first three decades of the 20th Century as Arizona Territory became a State in 1912. In order to halt O'odham land losses at the hands of Anglo Ranchers in Arizona, at the urging of the United States' Indian Agent in 1917 the main Tohono O'odham reservation was established by the federal government, soon to be called the Papago Reservation.

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In the United States, no provision for their native claim was ever considered during the 1848 Treaty making between the United States and Mexico. Outside the reservation eventually, through the native claims act issued them twenty-six million dollars in 1976 for

...lands in Arizona taken subsequent to the 1848 Treaty of Guadalupe Hidalgo, the date of such taking having been fixed as January 14, 1916.

Indian Claims Commission,
Papago Tribe of Arizona
vs. United States of America, July 21, 1976. ^x

their bi-seasonal land uses were not understood by state authorities as environmentally advantageous, since depleting grasslands by ranchers was always solved by acquiring more pasture land. To rectify the bi-national division of O'odham lands, the Tohono O'odham Nation would have had to buy back lands it 'lost' from the same people who usurped it in the first place; essentially paying for lands where ranchers displaced and disposed by force an O'odham that occupied and continued to occupy Wo'oson in spite of the enclosure of their land. O'odham culture does not consider desert lands as property, but rather as diverse biomes that provide sustenance.

Water Regimes in Arizona and O'odham Water Rights

Even in the modern period, this value is deeply held. For example, water from the Tucson aquifer is considered by some O'odham, notably TON citizen, Ernest Moristo, as hallowed and vital,

". . . Tucson, Arizona's trying to take our water, underground water, and trying to give us the Colorado River Water. That's what we don't want. We don't anyone . . . messing around with our underground water, because that's I'itoi's water. That's the number one thing with the O'odham, that's our living, . . . Without water there's nothing, that's why we're protecting our underground water. . ." ^{xi}

There is a limit to shared desert resources when it threatens the form of livelihood for the O'odham. Those who owned allotted family plots at San Xavier Reservation, for example, farmed the riverine area of the Santa Cruz River since long before the Jesuits arrived in the 1700s until the 1970s'. The allotments, when individually farmed produced little tangible product in terms of trade, so a cooperative was formed in 1971 to protect the mutual interests of allottees and avoid a complete break up the area to non-O'odham, or other economic interests. The San Xavier Allottees Association registered their alarm in the early 1970's when well water for agricultural irrigation drawn from the Santa Cruz River, where their community is located, was dried up. The San Xavier Allottees Association pursued legal action in federal court against the City of Tucson, private agricultural lands upstream, and a mining company, all of which had taken considerable volumes from the acquirer and riverine area at the Santa Cruz River. After more than 20 years in litigation, they re-secured an increase of 85% in available water, or 23,000 acre feet in 2006 at San Xavier District, and increased water acreage at Schuk Toak District, also a district in the Tohono O'odham Nation by 62 % to 8,400 acre feet of water.^{xii}

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Israeli Water Regimes in Palestine

Urban Palestinian Water Resources

- Al -Haq: [An Environmental Approach: The Protection of Natural Resources in the Occupied Palestinian Territory](#), 2017.
- Environmental Injustice in Occupied Palestinian Territory, Problems and Prospects, Al-Haq, 2015.

Water for One People Only; Discriminatory Access and ‘Water-Apartheid’ in the OPT, Al Haq. 2013.

Khirbet al-Hadidiyya residents pay five times more for tankered water 49

Farmers and shepherd forced to abandon their jobs 56

Case Study 6: Destruction of wells due to lack of permit 60

Rural Palestinian Water Resources

- Married to a Bedouin, marguerite van Geldermalsen, 2006. Various pages
- Bedouin in Negev, Israeli displacement within Israel legal regions.

Water as an Instrument of War

- Shell Shocked, On the Ground Under Israeli’s Gaza Assault, Mohammed Omer, 2015: pages: 39.434, 93, 123, 270 215, 207,205,194.
- The Other Israel, Voices of Refusal and Dissent, Roane Carey and Jonathan Shainin, Eds. 2002. Jeff Halper: [The Key to Peace: Dismantling the Matrix of Control](#), pages 20-40.

Summary and Conclusion

Border as the Legal Enforcer of Bi-national Settler Colonization in O'odham Homeland

Current attempts at border building differ in that physical barriers attempt to now separate and isolate immigrants from water and centers of populations. That US strategy effectively physically separates O'odham in Mexico from O'odham on the Tohono O'odham Nation who prior to 2001 were able to gain limited access to the Papago Reservation through traditional crossing gates at San Miguel and Manager's Dam not allowed for non-O'odham immigrants. Social isolation is a long term effect of border militarization; the border serves to atomize and de-mobile O'odham who traditionally lived in communities in Sonora and on the Papago Reservation on a seasonal basis. Several O'odham communities occupied both what is considered the United States and Mexico at the same time. Olivario Enos and other members of Cedag Wahia and Wo'oson communities in Sonora, Mexico traveled daily across the

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international border to attend school in Big Fields on the Tohono O'odham Nation in Arizona, United States in the 1970's.

¹³

Wo'oson members could count on water supply from San Miguel on the US side of the border in the near border southern District of Chukutkut of the Papago Reservation, but now they face restrictions from the Mexican ranching family Pesquiera which in 2017 - claims their Mexican Agrarian Court Issued title makes O'odham presence illegal in Wo'oson. Wo'oson was a summer village paired with the winter village of Cedag Wahia for the same community of Tohono O'odham. It became a two –season community in its own right in the 1920's, located adjacent to the United States' Border, but in Sonora, Mexico side of the international border. Pozo Verde (Cedag Wahia) appears to have been identified by Kino as Santa Eulalia as he arrived in the area on a trek to the heart of Papago country in February of 1699. ¹⁴

Other O'odham face formal state bureaucratic barriers at the official port of entry where O'odham from Hodai K:uk (Puerto Peñasco), A:I Pisin (Pitiquito), Kawolk (Caborca) and Shon Odiak (Sonoyta) at Lukeville on the United State's side of the Mexico border town, Shon Odiak (Sonoyta). Even prior to 2001, O'odham in Mexico most often could not meet US visa requirements, and any visit to their own reservation was essentially negotiated though a series of official letters and temporary permits from the Tohono O'odham Nation Executive (read Chairman's) Office and US immigration officials at the border. Letters for specific services within specific timeframes nevertheless deliberately restrict social activities, thus truncating O'odham cultural reproduction.

The post 911 latest phase of militarization however categorically negates the legal right of tribal access for some 1,500 - 2,000 O'odham as registered tribal members of the Tohono O'odham Nation, and as guaranteed in ILO 169 and the 2007 UN Declaration on the Rights of Indigenous Peoples, unless they are permitted by the US and Mexican Governments, neither of which has issued passports or crossing cards for them to exercise such rights.

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ⁱ Author's note: While Cavada (2011: 374) notes the *ejido* status granted for Pozo Verde in 1936 by Mexican President Lázaro Cárdenas, no such status was extended to Wo'oson (el Bajío) the summer village of the Tohono O'odham of the Winter village of Cedagi Wahia (Pozo Verde). Pozo Verde's *ejido* status did not extend to Wo'oson (the lowland) / El Bajío nor was it subsumed it within the land mapped out for the *ejido*. The original colonization program from 1850 was the first state sanctioned encroachment, see: Proyectos de Leyes sobre colonialización y comercio en el Estado de Sonora, presentados en la Cámara de Diputados, dia 16 de agosto, 1850, 1st Publicación, Mexico: 1850. <https://books.google.com...> accessed 9/11/2016. See: Cavada, 2011: 374, citing Fabila's "O'odham Timeline" in Alden W. Jones to John Collier, Dec. 21, 1956, in "Apuntes sobre los Papagos de Sonora" (Notes on the Papagos of Sonora), by Alfonso Fabila, typescript, 1957, pp. 40–41 (Information and Documentation Unit for the Indigenous Peoples of Northwestern Mexico, College of Sonora, Hermosillo); and in Cavada 2011: 374, Citing Fabila to Caso, March 6, 1957, in "Apuntes sobre los Papagos de Sonora," by Fabila, 41–44.

ⁱⁱ Ramírez, Castillo, Las Veredas Entre El Desierto Y La Ciudad. Reconfiguración De La Identidad En El Proceso Histórico De Cambio De Los Tohono O'odham, (PhD Thesis, Universidad Autónoma de Mexico, 22 November, 2010. http://www.equiponaya.com.ar/tesis/Guillermo_Castillo/capitulo4.htm#sdfootnote270anc, last accessed 2/17/16

ⁱⁱⁱ Guillermo Castillo, Sonoita: migración étnica y cambio cultural en un asentamiento Pápago. Marginalidad y políticas públicas en el desierto de Altar, Sonora, en el Noroeste de México, margen57, Edición Nº 57 - marzo 2010, 3. <https://www.margen.org/suscri/margen57/castillo.pdf alcanzado> alcanzado 29 octubre, 2017.

^{iv} Ibid, Guillermo Castillo, 2011

^v Ibid, Guillermo Castillo, 2011, Doña Herlinda Lizárraga Neblina entrevistado por Guillermo Castillo. 3.

^{vi} Ibid, Guillermo Castillo, 2011, 7-8. Translation of author.

^{vii} The Tohono O'odham Nation - then known as the Papago Reservation.

^{viii} Ibid, Guillermo Castillo, 2011, 8.

^{ix} Ibid, Guillermo Castillo, 2011, 7.

^x Findings of Fact On Compromise Settlement. Indian Land Commission.

<http://digital.library.okstate.edu/icc/v38/iccv38p542.pdf>, accessed October 29, 2016. See also Indian Land Commission, Final Report. Docket 102, 345, p. 67; See also Maricopa – Ak Chin claims, dockets: 236-A, 236-B. dockets. United States Indian Claims Commission, August 13, 1946 -September 30, 1978, Final Report. <https://www.narf.org/nill/documents/ic29 October, 2017c final report.pdf>. Accessed 29 October, 2017.

^{xii} 2003 Permanent Forum on Indigenous Issues, Dialogues, <http://www.dialoguebetweennations.com/navigation/N2N2003PG.htm> accessed 11 September, 2017

^{xiii} See: Stipulation of Parties to the Settlement Agreement and Request for Entry of Judgement and Decree, July 11, 2006, Superior Court, Maricopa County, State of Arizona.

<http://www.azwater.gov/AzDWR/SurfaceWater/Adjudications/documents/04 Stipulation of Parties to Settlement.pdf>. pages 4, 6. Accessed Dec. 25th, 2017.

¹³ Interview with Cedag Wahia and Wo'oson Community members, 17 June, 2017. Sells, Arizona.

¹⁴ The Papago Country, Arizona. A Geographic, Geologic, And Hydrologic Reconnaissance with a Guide To Desert Watering Places By Kirk Bryan, Department of The Interior, Hubert Secretary United States Geological Survey, 1925, 10. <https://pubs.usgs.gov/wsp/0499/report.pdf>