

( 2nd edition )



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We thank the Working Group for the opportunity to first address the body on the subject of our greatest indigenous resource: our children. The concept of intergenerational rights is one of the conceptual pillars of human rights among the indigenous nations and peoples of the Americas.

In 1978, the indigenous nations and peoples of the United States were successful in convincing the Congress of the United States to approve the Federal Indian Child Welfare Act. This federal act helped to stem what had before been a legal baby market, whereby government agencies and courts systematically removed Indian children from their families for their adoption into non-Indian homes. This systematic form of ethnocide was to end after passage of this legislation.

The legislation established minimum standards for the protection of Indian children, allowed indigenous nations to intervene on behalf of their children in courts of the United States, and provided for funds whereby indigenous nations and peoples could provide protective services to their children.

However, the law provides no means whereby the provisions of the law can be systematically enforced. There is no nationwide monitoring system to insure that local state governments and courts adhere to the law. In most states, local government agencies and courts are undermining or ignoring this federal law.

The federal government itself has systematically reduced funds to indigenous nations and peoples so that they cannot themselves insure that the rights of their children can be protected. This has been a significant problem for small tribal groups and for indigenous urban populations. The federal government for the last several years has attempted to end distribution of these funds to indigenous urban populations. This could prove to be disastrous.

It was a federal policy to remove indigenous populations from their aboriginal homelands to urban cities during the 1950's and 1960's. As a result, we now have hundreds of thousands of urban indigenous refugees who are unable to return to their aboriginal homelands do to a continued federal economic policy that maintains a high level of poverty within indigenous homelands. Without funds to protect the rights of indigenous children in both urban and rural areas, and without a federal monitoring and implementation mechanism, the systematic form of ethnocide that existed prior to 1978 will continue.

We therefore recommend to the Working Group that they address the issue of the rights of our indigenous children: their right to reside in indigenous communities and with indigenous families and to be educated in their indigenous languages which impart the unique cultural values and relationships of their peoples, and that these rights be acknowledged and protected by all member nation States.

There is a second development that has impacted our communities and our children, that we must discuss. The Congress of the United States has only recently passed the Indian Religious Freedom Act which legalized our capacity to practice the ancient spiritual ceremonies of our indigenous religions that have sustained our peoples.

Now we are seeing non-indigenous citizens and some indigenous persons exploiting our religions by literally selling our ceremonies and reaping profits therefrom. In addition to this wholesale marketing of our sacred ceremonial practices, these people indiscriminately distort these ancient ceremonies in order to appeal to and increase the profits from their buyers.

When we try to protest the ethics of these practices by these persons, we are accused of violating their religious freedom.

As Indigenous Peoples we have survived generations of genocide and ethnocide by means of passing these sacred practices from generation to generation. Today we fight to preserve our cultures and lifestyles by teaching our children these ancient ceremonies, that have nurtured us and given us the strength to survive a genocide that has cost us hundreds of millions of lives.

If there is no means to protect the integrity of our spiritual practices, we must ask ourselves: how can we retain our cultures, and what, after all, will we be able to teach our children?

With this, we therefore ask that this body of Indigenous People and United Nations representatives also take this issue into consideration and support an additional Principle to those that are being submitted that would call for the protection of our spiritual practices and indigenous religions, and their protection from exploitation for profit by unethical persons. We will submit our principle under that agenda item.

Finally, we would like to state that we greatly appreciate the work of Judge Lachs and the Independent Commission on International Humanitarian Issues and their recognition and support of the collective demands of the Indigenous Peoples of the world over the last ten years.

We thank you Madam Chairperson.