

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection of
Minorities

Working Group on Indigenous Populations

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Statement submitted by the International Indian Treaty Council,
a Non-Governmental Organization in consultative status (Category II)

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Thank you Madame Chair,

It has been 10 years since the International Indian Treaty Council, along with other NGO's, proposed to the NGO community the realization of an International Conference on the Discrimination of Indigenous People of Western Hemisphere. Our proposal for this conference became the first meeting in the U.N. where Indigenous People could raise their voices and speak directly regarding our problems. In that conference, our organization proposed the formation of the working group on Indigenous People and the revision of Covenant 107 of the ILO and a Declaration of Principles for the General Assembly.

With the support of other NGO's, we proposed the 2nd Conference on Indigenous People and the Land in 1981.

Madame Chair, 10 years have passed. The Covenant 107 is being revised with the participation of Indigenous People. The Working Group is a reality and the problems of Indigenous People have been debated in the U.N. System, in the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the Commission on Human Rights, the General Assembly and also in the 2 World Conferences on Racism and Racial Discrimination. In 1981, UNESCO put forth the Declaration of San Jose, a document of great valor because, also here, Indigenous People directly participated.

In these 10 years, Madame Chair, there has undoubtedly been progress in International Law with regards to Indigenous People. The Working Group is the

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only place in the U.N. system where the Indigenous People can speak and be heard. The Working Group has advanced the evolution of standards and we continue to encourage the members of the Working Group in the work that they are doing. All the advances that have been made throughout the years were our concerns and worries in 1977.

With the same force that we had in 1977, today we raise our voices to refer to the situation of the Indigenous People: the right to self-determination has been denied in many areas.

Madame Chair, internal colonialism continues. So-called "development" projects threaten our ancestral territory. Our physical and cultural existence is being threatened. Fundamental rights and the dignity of our Indian people continue to be violated.

Madame Chair, a recent study by an American anthropologist points out that, on the American continent, 92 Indian Nations are condemned to disappear in the coming 10 years if appropriate urgent and adequate measures to stop these disappearances are not taken. When a people disappear, the whole of humanity loses because cultural identities are a part of the entire culture of humanity. Madame Chair, the International Indian Treaty Council raises its voice to reclaim the right of existence for those peoples.

Madame Chair, when we speak of self-determination, we cannot forget to mention the situation that prevails in Paraguay where the dictatorship continues to deny the fundamental rights of the Indigenous People; where torture and death are part of the everyday life of the Indian people in that country. We cannot forget to mention that, although democracy has arrived in Brazil, a situation still prevails where the Yanomami are reclaiming their ancestral lands from demarcation. On other occasions, we have petitioned the Brazilian authorities to delimit the territory of the Yanomami and to prohibit the entrance of gold-seekers and other adventurers to the Yanomami lands. We have never received a response. The international community must demand that Brazilian authorities delimit these lands and allow the people their right to self-determination.

When we speak of self-determination, we also cannot forget to mention the situation of the Mapuches in Chile, upon which the dictatorship has imposed Decree Law No. 2568 which divides their ancestral lands. The Pinochet dictatorship further divides the reductions to divide the Mapuche people and to deny them the rights that belong to them. The Pinochet dictatorship has sold part of Easter Island to the North Americans to install a radar station for Star Wars. This agreement is secret, but the Chilean press has informed that construction to expand the airport on the island has already begun and that the people of Easter Island, the "pascueños", do not have the right to let their animals graze on the land, nor the right to fish. The right to self-determination is denied to these people also.

When we speak of self-determination, we also cannot forget the situation of the Indian people in Guatemala. There we are deeply preoccupied with the situation of indigenous people because, although there is a civilian government, the situation has continued to degenerate since the government applies the same position taken by the military dictators before it.

We do not have time to refer to all the measures taken by the government, but we will mention the famous "model villages" that have been widely denounced by various resolutions in the General Assembly, the Commission on Human Rights and the Sub-Commission. We must say that these Model Villages are very little like a model and very much like a concentration camp. This is the ultimate example of the denial of the right to self-determination of which we are discussing. We must also mention the fact that tortured, dead bodies continue to be found and that the fumigation of plantations with deadly toxic chemicals such as paraquat and glisofato pose serious health problems to the people who work in the fields, mainly the indigenous people.

continues to violate the Original And Sovereign Indigenous Nations Of People, through the use of Executive action, Judicial decisions and Legislative fiat. By their actions the United States continues to deny the various Indigenous Nations ~~our~~ our Treaty Rights, Territorial Land Rights, and the right to Self-Determination

One example of these policies is the recent action of the United States Congress' enactment of Public Law 99-264, the so-called White Earth Reservation Land Settlement Act of 1986. This law arbitrarily and unilaterally expropriates 200,000 acres of land from the White Earth Anishinabe Nation.

Public Law 99-264 was passed under a process called "Suspension of the Rules", whereby only seven (7) members of the House of Representatives out of four hundred and thirty-five (435) were present. These seven congress persons from states that consistently exploit Indigenous lands and resources. This law was forced without any opposition or debate from any member of the House of Representatives. Moreover, this Act paves the way as a precedent to take millions of acres of land from all Indigenous Nations. A clear example of the American arrogance.

The 1868 Fort Laramie Treaty signed and proclaimed by the Lakota Nation (Sioux) and the United States includes 17 million acres known as the Black Hills. The Black Hills mean as much to the Lakota Nation as the Vatican means to the Roman Catholic Church. The Black Hills is where the Lakota were created as a nation and under no circumstances will the Lakota people sell our birth-right as mandated by the United States Court of Claims. In exercising our right to Self-Determination, members of the Lakota Nation and their supporters established Yellow Thunder Camp in the Black Hills in April of 1981. This act of self-determination was upheld by the United States District Court after five years of litigation.

We are again reminded of the words of the Shawnee Nation's Prophet, Patriot, and Martyr, Tecumseh, who in 1777, observing the expansion of the colonies, stated: "Each year these white intruders become more greedy, exacting, demanding, and overbearing. Wants and oppression are our lot. Are we not being stripped day by day of the little that remains of our ancient liberties?"

Unless each tribe unanimously combines to give a check to the avarice and ambitions of these intruders, they will conquer us. Apart and dis-united we will be driven from our Native lands and scattered like autumn

The International Indian Treaty Council asks the Working Group to consider our Draft Declaration on Self-Determination of Indigenous Peoples in the development of standards for the protection of the Indigenous populations as Indigenous Peoples under the protection of the International Bill of Human Rights.

The Working Group should consider establishment of a credentials committee made up of at least two members of the Working Group and a representative of each Indigenous NGO.

As this Working Group continues to grow both in participation by Indigenous peoples and member states we must consider some criteria for making those persons presenting interventions to the Working Group accountable for their presentations. Presently, anyone can come in off the street or individually and condemn this Working Group or any Member State.

Secondly, the IITC strongly supports the appointment of a special rapporteur to survey and study treaties signed and ratified between nation states and Indigenous Nations.

Thirdly, the IITC strongly requests the Working Group to recommend 1992 as International Year of Solidarity with Indigenous Peoples.

After all, we, the Indigenous People discovered Columbus lost, floundering on the high seas, sick, destitute and wrapped in rags. This colonial pirate neither discovered America nor appreciated the love and friendship extended to him. Member States should on the occasion of October 12, 1992, remove all references to this colonial pirate from street signs, public buildings, names of cities, villages, and schools and replace them with names of Indigenous leaders.

Finally, the International Indian Treaty Council would like the Working Group to consider Article I of the International Covenant on Economic, Social and Cultural Rights and Article I of the International Covenant on Civil and Political Rights as applicable to Indigenous Nations, groups and Peoples.

In closing, we Indigenous peoples who live under the jurisdiction, influence and policies of the United States, challenge this government to study the activities, documents and reports gathered by the Working Group on Indigenous Populations since 1980 in the hope that the United States will someday sign and ratify at least one of the Human Rights instruments developed

DECLARATION ON SELF DETERMINATION OF INDIGENOUS PEOPLES

Whereas the International Bill of Human Rights declares that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

Whereas the International Bill of Human Rights, which is intended for the protection of all members of the human family, speaks principally to the protection of individuals from the power of the state;

Whereas members of the world's Indigenous Populations require recognition and protection as peoples or groups as well as protection as individuals;

Be it therefore proclaimed that:

1. All Indigenous Nations, Groups and Peoples have the right to self determination. By virtue of that right they may freely determine their political status and freely pursue their economic, social and cultural development in conformity with their traditional customs and social mores.
2. All Indigenous Nations, Groups and Peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon principles of

full and informed consent, mutual benefit, and international law. In no case may any Indigenous Nation, Group or People be deprived of its own means of subsistence.

3. All Indigenous Nations, Groups and Peoples have the right to protect the environmental integrity of their territories;

It shall be unlawful for any state to undertake or permit any form of development within the territory inhabited by an Indigenous Nation, Group or People without the full and informed consent, freely given, of a majority of the inhabitants.