

# HAUDENOSAUNEE DELEGATION

XIth Session ♦ Working Group on Indigenous Populations

*July 29, 1993*

*Item #5*

## Part I

Madame Daes, Chairperson, Rapporteur

The Haudenosaunee Delegation wishes to express our appreciation and congratulations to you as Chairperson for the Working Group on Indigenous Populations and to each of the Working Group's Independent Experts who represent the geopolitical regions of this world for moving towards the completion of the initial task laid before you in 1982 of setting the minimum standards for the recognition and protection of the human rights of Indigenous Peoples.

This is a historic moment for the Indigenous Peoples of the world.. This Draft Declaration on the Rights of Indigenous Peoples is proving that Indigenous Peoples and nations can work with member states of the United Nations to protect, promote and defend the human rights and basic freedoms of the Indigenous Peoples of the World.

The United Nations Declaration establishing 1993 as the International Year of the World's Indigenous Peoples is the fruit of our initial labors commencing with the comprehensive study on discrimination against Indigenous Populations by Special Rapporteur Jose R. Martinez Cobo in 1971 under the recommendation of the subcommission on prevention of discrimination and protection of minorities. It must be noted that at that time the term "minorities" was the only category available for Indigenous Peoples. Today we recommend that the specific term "Indigenous Peoples" be applied whenever and wherever reference is made to our peoples and nations. In 1977 the first historic meeting on racism and discrimination against Indigenous Peoples was held here in Geneva through the invitation and intercession of the International NGOs. This meeting resulted in the formation and development of the Working Group on Indigenous Populations in 1982 and the result of that is the drafting process of the Declaration of minimum standards concerning our rights as Indigenous Peoples here in the 11th session of the Working Group. We take this moment to congratulate and encourage our brothers and sisters and all the Indigenous Peoples who have worked and sacrificed to make the recognition of our rights a reality, in particular those who have died in the process to inspire us to go on for our generations coming.

In that regard and consistent with the recommendations of the World Conference on Human Rights just held in Vienna, the Haudenosaunee delegation strongly recommends that:

1. The Working Group for Indigenous Populations be upgraded to a permanent United Nations body and that in this process the term "populations" be deleted from the title and replaced with the term "peoples" - to now read "The Working Group on Indigenous Peoples."
2. That a permanent fund for the Working Group be institutionalized as part of the United Nations annual budget in order to begin the implementation of the mandates of the Declaration protecting our human rights and freedoms.
3. That a high commission with a permanent secretariat and an annual forum with full Indigenous participation be established to monitor and facilitate the implementation and the protection of our rights between ourselves and member states.
4. That work begin immediately on development of a forum and a process for dispute resolution between Indigenous Peoples and nations and member states of the United Nations.
5. That during the coming year a technical study be made of the Draft Declaration.
6. That the recommendations of the distinguished observer state, Norway, to involve Indigenous Representatives as participants in this study be implemented.
7. That, most importantly, the United Nations implement the recommendation of the World Conference on Human Rights in Vienna to proclaim an International Decade on the Rights of Indigenous Peoples.

## Part II

Madame Chairperson, the Haudenosaunee delegation in consideration of the importance of treaties and agreements offers the following:

1. That the Study on Treaties, Agreements and other constructive arrangements between Indigenous Peoples, Indigenous Nations and states be a central aspect of the International Decade.
2. Consistent with the recommendations of Part I of this Presentation that the commission on Human Rights institute a special commission on treaties, agreements, and other constructive arrangements concurrent with a dispute resolution forum for Indigenous Peoples.
3. Assure that Indigenous Peoples and their representatives have equal access to and participation in this important process to insure a balanced perspective and furnish primary information.

Distinguished Chairperson Madame Daes, the Haudenosaunee Delegation now focuses on:

## Part III, Developments in Indigenous Lands and Territories

In Tokyo, July 8, 1993, the Group of Seven Industrial countries including the United States declared: "We the leaders of seven countries and the representatives of the European community reaffirm our commitment to the universal principles of freedom, democracy, human rights and the rule of law." They further stated ". . . and in particular to develop more effective institutional capacity for preventative diplomacy and peacemaking, peacekeeping and post conflict peace building in the context of the secretary general's"

agenda for peace. "And" . . . the protection of human rights is the obligation of all nations as affirmed at the world conference on human rights in Vienna."

Madam Chair, these words are consistent with the principles, mandates and instructions given to the Haudenosaunee by the Great Peacemaker in North America over 1000 years ago at that time Indigenous peoples and nations in the Americas were free and in possession of their cultures, territories, lands and seas, and the futures of their peoples.

Since the land fall of Columbus upon our shores our people have suffered great calamities of death and destruction and yet today we survive, imperiled and endangered but still carrying the light and spirit of our peoples and ancestors. We are pleased that member states of the United Nations have declared in favor of human rights but rhetoric must be matched with positive implementation. For example:

1. In the United States, Leonard Peltier continues to be denied due process under law despite overwhelming evidence that his conviction was unjustified. He remains a political prisoner recognized as such by Amnesty International. The Rule of Law "referred to by the United States must be applied equally with justice.
2. The Treaty of Ruby Valley of 1863 between the Western Shoshone Nation and the United States continues to be abrogated by the actions of the U.S. Bureau of Land Management. Takings against Mary and Carrie Dann, sisters in joint ownership of land under the Western Shoshone Nations' title continue.

The 1868 Treaty of Fort Laramie between the Lakota Nation (Hunkpapa, Oglala, Sans Arc, Two Kettle, Blackfeet, Minneconjou and Lower Brule), the Northern Cheyenne and the Arapaho Nation and the United States remains in limbo and unresolved over the issue of vast areas of Lakota territory including the Sacred Black Hills.

The Haudenosaunee treaties of 1613, The Guswenta (the Two Row Wampum), 1664, Treaty of Fort Albany, 1768 Fort Stanwix, 1776 Fort Pitt, the Treaty of Ghent 1815 and many others are all challenged by the activities of Canada regarding Kanasatake (Oka) and Kanawake that continues to remain unresolved in the dispute over lands and jurisdictions of the Mohawk people.

Madame Daes, the relationship between the Haudenosaunee and the United States was established in a series of treaties in the era when the United States first came into existence as an independent state (1784 Fort Stanwix, 1789 Fort Harmer, 1794 the George Washington Treaty at Canandaigua). These treaties defined territorial boundaries and shaped a relationship characterized by mutual respect and non-interference. The 1794 Treaty of Canandaigua set forth a procedure for dispute resolution to ensure that peace and friendship between our respective peoples would not be disrupted.

In the subsequent years, there were numerous occasions when the United States failed to uphold its obligations under the treaties. We face one of those situations today. On the basis of congressional legislation dating from the 1950's the United States and its political subdivisions are interfering in the

governmental affairs of our nations. Decisions of the Council of Chiefs of the Onondaga Nation regulating economic activities within our territory are under challenge in the U.S. Courts. Additionally, the recognized leaders of the Oneida Nation under Haudenosaunee law have been bypassed by the State of New York. New York has entered into agreements with unauthorized person to introduce gambling enterprises into Oneida territory without the consent of the people or their Council.

Today, as in the past, we will continue to defend our sovereignty. We call upon the United States to negotiate any differences according to the agreed terms of the Treaty of Canandaigua (1794).

Madame Daes, distinguished chair, the Haudenosaunee delegation challenges the idea that nuclear waste dumps are productive economic development on Indigenous lands and territories. We cite specifically, the United States establishment of the Office of Nuclear Waste negotiator, by a 1987 amendment to the Nuclear Waste policy Act of 1982. This office was established by Executive Order of the President of the United States and became effective in May -Jun 1991. The Office is specifically directed to seek waste sites on "state or Indian tribal lands." This office continues to function up to this moment. Additionally, toxic pollution of our lands at Tuscarora, Onondaga, and Awkewsasne are increasingly an issue that demands attention.

Finally, Madame Daes, the Haudenosaunee support and encourage your study on intellectual property. This issue of the nation's cultural patrimony of Indigenous nations and peoples is important. The rights to retain and have repatriated our sacred funerary objects, human remains, and sacred items are fundamental to our well being and religious freedoms.

The rights of ownership to our intellectual property and even to our very being is now challenged by the Human Genome Project.

Madame Chairperson, in your opening address of the Working Group on July 19, 1993 you mentioned the Human Genome Diversity Project (HUGO) more commonly known as the "Vampire Project." Over 700 Indigenous Communities worldwide, including my Onondaga Nation and the Cayuga Nation which are member nations of the Haudenosaunee, have been targeted by this Project for hair, tissue and blood sampling. This restriction on the genetic basis of ethnic diversity could lead to a new justification of racist behavior.

We call upon the United Nations, all nations and all peoples, to intervene in order to halt the funding and halt the project.

DAHNEYTO (Now we are finished.)

Thank you Madame Chairperson.