

## **Teton Sioux Nation Treaty Council**

Meeting July 27 & 28, 2009

Wakpa Mniluzahan (Rapid City)

### **Day 1**

**1. Opening Prayer:** Garnett Black Bear and Clifford White Eyes

**2. Opening Remarks:** Charmaine White Face

**3. Short Introductions:** During the introductions, the issue of crossing the Canada-USA border was mentioned. Some of those present were allowed to pass back and forth across the border using their Tribal identification, not their Canadian or American passports.

**4. Selection of Special Rapporteur to document the meeting:** Marcia McDade (student)

**5. U.N. Declaration of the Rights of Indigenous Peoples:** Wesley George,  
Kakisiwew-Ochapowace Cree

Wes learned about treaties from older people and has been attending sessions at the United Nations for the past 18 years. What do we want from this meeting? A work plan (**WP**) would be good and should be continuous.

The processes at the UN are to be used as tools. . Indigenous people are limited because of the use of terminology given to them by the colonizers. It is important for the world to recognize our identity as nations because it is essential to claiming rights. The treaties made with the Indigenous nations cover a minimum of the rights we possess. It is important to take on the struggle ourselves and put into place the treaties. We put limitations on ourselves. We need to start telling us who we are. It is important for the people to learn their identity and let it be reflected in the treaties. The treaty exists in every aspect in the individuals of this nation

The human rights council was taken over by new management. Therefore developments in research, and the Declaration was hindered and censored. Under the new management there was a split within the Indigenous peoples due to certain groups getting priority. What happened to the past developments? Who will put them into place? It is the responsibility of Indigenous peoples.

On Sept. 13, 2007, the UN General Assembly adopted the Declaration on the Rights of Indigenous Peoples as a minimum standard. It is a document that captures what we already have. The 1994 Treaty Study was completed 10 years ago. Who implements and enforces it? We have to do it ourselves. The Treaty Study recommended Expert Treaty Seminars and 2 have already occurred. We need to prepare for the Third Expert Treaty seminar. We've been stuck at the UN. Canada and the US called for reform and dissolved the UN Human Rights Commission. [Note: The Commission had promised to pass only the Subcommission Text of the Declaration which was approved by all Indigenous peoples and nations. After the Human Rights

Commission was abolished, the new Human Rights Council passed the Declaration written by the Working Group Committee Chairman.]

Question: "How do we get the rubber to hit the ground?" What's my Treaty duty? We have to talk about it at home..with complete learning and education. It is important for the people to learn their identity and let it be reflected in their treaties. Curriculum falls short because it only covers the basics such as math, reading, and writing but it is missing the language, history, and the culture. The Declaration says we can teach our culture which would include teaching the treaties.

However, it is hard to identify a spot in the budget to teach Indigenous languages in the province [state] curriculum. Therefore, the teaching aspect of the treaty is limited by this funding issue. How are we going to get these things accomplished at the local, regional, and international level? We must look at how the treaty exists and how it is going to be executed. We must push locally for a curriculum that includes information about treaties, culture, and teaches the language. The treaty can be taught starting in kindergarten.

Although the Declaration was not signed by the U.S. and Canadian governments, it is still possible to enforce the Declaration because it is still approved internationally. The Declaration is just words that capture what's already inside of the indigenous peoples. Although it represents a minimum, it can be a tool used to confirm what we have already.

Discussion.

Lawrence Swallow read "Position Paper of the Great Sioux (Lakota) Nation.

Further Discussion including consultation, permanent sovereignty over the land and resources, national polls, education and advocacy for younger generations to learn and get involved, cultural apathy.

## **6. Expert Treaty Seminars** - Charmaine White Face (since Sharon Venne could not attend)

There are supposed to be three expert treaty seminars. The developments made from other expert treaty seminars kind of just fell away due to the reform in the UN. We will have to be the voice that pushes development. -The second seminar report was never fulfilled and African nations were displeased. Although we may not be able to have the seminar here, we could have a World Indigenous Summit here.

Canada brought their New Agreements to the first Expert Treaty Seminar. Since we can prove aboriginal territory then Canada would made a New Agreement with the Sioux nations that are there.

Wes: Three things we need to do about the Expert Treaty Seminars:

1. We need to decide what we are going to do with them; are we going to attach recommendations to agreements or go with what we already know; and every fourth year there should be a summit of all nations of indigenous peoples to track progress.

2. Sustainable economies: Some nations are no longer in control of land, especially due to boundaries; we should look into maintaining local sustainable communities.

3. Issues of trade: We must come up with work plan that can identify priorities; We can make trade one of them.

## **7. Agreement of Friendship or Making allies**

At the UN Permanent Forum meeting in May, by joining together on recommendations, the Tetuwan Oyate and the Ochapowace Cree were able to have one of their recommendations sent on to the World Health Organization asking them to do a study about the radioactive pollution and effects on Indigenous peoples and nations. From that success came the idea of a Treaty of Friendship. Such a Treaty would be registered with the United Nations as recommended in the Martinez Treaty Study. This would give added international recognition to the status as nations of both the Tetuwan Oyate and the Ochapowace Cree.

We will talk about involvement in the OAS on Day 2.

## **Day 2**

### **Overview from the First day**

Discussion of how to accomplish the goal of getting the United States and Canada to honor their side of the treaties

- o Develop a treaty between the two nations: Ochapowace Cree and Tetuwan Oyate for inclusion in the UN Repository of Treaties

- o Start a treaty education and responsibility process among all our people from the very young to the old. We have all been too colonized.

- o Must have prior and informed consent when signing treaties or agreements

- o Permanent sovereignty over natural resources

Uranium Mining on Indigenous territory

Pipelines from Canada entering the 1868 Treaty territory

## **Expert Mechanism on the Rights of Indigenous Peoples**

The latest reform of the U.N

o Currently made up of indigenous peoples who do not have a good understanding of the Indigenous Nations in the U.S.

They are more focused on individual human rights not the rights of nations

Therefore, it is important to get recognized as a nation in the UN with the help of the UN Decolonization and Politics Committee or other ways

Everything must be tried to make sure that treaties between Indigenous nations and the U.S and Canada are upheld

Process of approaching the U.N. on Indigenous rights

o Look at creative ways to delegate tasks and use other UN processes to help our nations because other avenues have come to a standstill

## **U.N. Permanent Forum in Indigenous Peoples - 8th session**

**1. The World Health Organization** has been instructed by the Permanent Forum to study the effects of uranium and radioactive pollution on all Indigenous Peoples in the world. The recommendation was made by the Tetuwan and the Ochapowace Cree in an intervention during the second week. It is not often that a recommendation is acted on by the UN PFII.

**2. Tonya Fichner- the North American representative** on the Permanent Forum is the founder of the American Indian Law Alliance which worked with the TSNTC for a number of years. She has offered to come out and learn more about current issues. Efforts are being made to get her to come in October. She also stated the Onondaga, or the Haudenosaunee, have a treaty made in 1972 with the Tetuwan Oyate and they have a wampum belt to give us.

**3. James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples** was asked to come to the 1868 Treaty Territory and do an investigation on the problems experienced by

the Indigenous people. He said he would like to come but needs the permission of the U.N. High Commissioner on Human Rights, his boss, otherwise we will submit in writing the information regarding all the problems in the Treaty Territory.

### **Inter-American Draft Declaration on the Rights of Indigenous Peoples**

Refers to the Western Hemisphere. Is still being debated. Is led by the American delegation and concentrates on human rights of individuals rather than Indigenous Nations.

### **International Diplomatic Relations between the Tituwan Oyate and Ochapowace-Kikisiwew Nehiyewak**

We must decide on how to effectively go about gaining recognition. Possible ideas:

- o Put international pressure on the U.S. and Canada to enforce treaties.

Make sure Canada and U.S. are upholding international standards

- o Sanctions

- o Using other international foundations to help for funding

### **Further Action and Other Ideas**

Build treaty with of friendship with other nations then the treaties will build off of each other when we bring on pressure for them to uphold treaties in each country. Make sure we incorporate Sioux identity in treaty making

Information was brought regarding a letter and plan from the Great Plains Tribal Chairmen to negotiate the Black Hills settlement. Much discussion followed.

Motion was made to support an effort to stop dialoging about the 1868 treaty and withdrawing the I.R.A system from dialoging about 1868 treaty. I.R.A needs to stop representing indigenous people.

After the 2nd of the motion, the motion passed unanimously.

Strategy will be discussed at the next meeting.

### **Further Suggestions and Ideas from the audience**

It is important to keep everything going with modern technology while remaining true to the culture.

It is important to study lawyers but keep in mind that Indian law is natural law and natural law will prevail.

Go to the British Embassy and make them recognize that the Black Hills belong to the Tituwan because Great Britain agreed that Tituwan have human rights. The Tituwan should not have to buy land back

Stay in contact with what ancestors have to say on the issue.

It is important to continue to let the Spirit lead on this issue.

Do not accept the money the government is offering for the Black Hills.

### **Grounds for opposition against action taken to create an agreement between Tituwan and Cree**

was given by Deb White Plume. She said there were not a lot of Lakota people represented at the meeting. The Oglala nation does not have a consensus on this issue. Avoid collaborations with congress on this issue. There is more work to be done to get to a consensus on this treaty. There should be a protocol taken similar to that of the ancestors.

### **Response to opposition**

There was an announcement sent out to the 400 people on the e-mail list and the 400 people on the snail mail list about this meeting. A Press Release was sent out via e-mail to both state daily newspapers and all the Native American newspapers. The Rapid City Journal announced the meeting in Sunday's paper. Press Releases were sent to KILI, KLND, and KINI.

Protocol in making the agreement:

- o A peace pipe will not be involved as too many do not know the proper protocol of the pipe, and respect must also be given to the Ochapowace Cree culture.
- o More about the future protocol with the treaty will be discussed at the next meeting.

It was decided that this is a treaty of friendship and works as a first step to uniting all of the red nations.

Although many at the meeting wished to have the Agreement signed, Deb White Plume was asked and agreed to make copies of the Draft Agreement to insure more people are aware of the Draft Agreement on the Pine Ridge Reservation before the next meeting.

**Next Teton Sioux Nation Treaty Council Meeting - Tentative Aug. 24 & 25, Wolf Creek Community, Pine Ridge Reservation** [Note: The Wolf Creek meeting was cancelled due to unforeseen circumstances.]

Discussions to include:

1. Great Plains Tribal Chairmen's negotiation on the Black Hills

[Note: After speaking with Loretta Cook who works for Oglala President Theresa Two Bulls, it was explained that the GPTCA did not send a letter to US President Obama regarding the Treaty or the Black Hills.]

2. Ochapowace Cree - Tetuwan Oyate Agreement to make a Treaty
3. Work Plan

### **Closing remarks**

Our new goal is to reach higher degree of free, prior, and informed consent; Create a work plan to overcome some of the obstacles; and Work needs to be done planning for the Third Expert Treaty Seminar and an Indigenous World Summit.

**Closing Prayer** Clifford White Eyes

**Handouts from the July 27 & 28, 2009 Meeting**

2nd Expert Treaty Meeting - Nov. 14-17, 2006

TSNTC Statement to 1st Expert Mechanism on  
Indigenous Peoples

TSNTC Letter to UN Decolonization Committee

9th Session UN Permanent Forum on Indigenous Issues  
Statement on Agenda Item 8

9th Session UN Permanent Forum on Indigenous Issues  
Statement on Agenda Item 7

1868 Treaty Upheld, April 30, 2009 - Court Case

Organization of American States  
3rd Indigenous Leaders Summit - 2009

TSNTC Letter to Pres. Obama, Dec. 9, 2008

“500 Years of Injustice”  
Steve Newcomb

“Destroying Indigenous Populations”  
Dahr Jamail

Bielecki Memo Oct. 5, 2008 - Tribal Powers

1st Expert Treaty Meeting, Dec. 15-17, 2003

Report - 8th Session - UN Permanent Forum on Indigenous Issues

UN Declaration on the Rights of Indigenous Peoples

UN Treaty Study, Prof. Miguel Alfonso Martinez