

**UNITED NATIONS WORKING GROUP ON INDIGENOUS
PEOPLES**

**12th Session, 27 July 1994
Geneva, Switzerland**

AGENDA ITEM #5 - Recent Developments

**STATEMENT OF THE INTERNATIONAL CONFEDERATION
OF AUTONOMOUS CHAPTERS OF THE AMERICAN INDIAN
MOVEMENT**

Madame Chair:

On behalf of the Confederation of Autonomous Chapters of the American Indian Movement, I bring congratulations to you on your re-election as Chair of the Working Group, and greetings to our indigenous relatives and allies.

Madame Chair, and esteemed members of the Working Group, as we review developments affecting indigenous peoples from this past year, especially United States indigenous policy, I am reminded of the adage, "some people rob you with a gun, and some rob you with a fountain pen."

Unlike the outrageous and unforgivable brutality of the physical atrocities that continue against indigenous peoples worldwide, of similar gravity are those policies and developments that serve to destroy indigenous peoples through the subtleties and nuances of law and semantics.

United States indigenous policy continues to cause tangible and verifiable physical harms to indigenous peoples, as in the case of treaty violations against the Lakota and Western Shoshone nations, and as with land theft and violence against the Kanaka Maoli and Apache. In the U.S., Indigenous Peoples continue to suffer the highest prison incarceration rate, the highest teen suicide rate, and the worst health, education, housing and economic conditions of anyone in the U.S.

Yet, it is the certain, methodical, daily operation of U.S. policy and law towards indigenous peoples where the most insidious danger lies. Two examples illustrate this point.

The first example is the policy consideration of the United States Department of Interior, formulated this past year, to separate indigenous peoples into two legal/political categories - that of "historic" and "non- historic" nations consisting of those peoples who were virtually destroyed through U.S. military Indian policy and who were then forcibly relocated from their traditional territories. Now, the U.S. seeks to blame these victims of the forced removal policy by impairing their legal personality and sovereign

territorial rights.

Administratively, and through the operation of what ostensibly is a series of lawful and peaceful acts -- indigenous peoples can be destroyed and reduced to historical footnotes through the enforcement of U.S. law. It is because of this kind of manipulation of law and language that many of us have developed a caution and vigilance about legal instruments that affect us -- including the Draft Declaration.

Which now brings us, Madame Chair, to the most recent development in U.S. indigenous policy, the statement of the United States delegation at this session of the Working Group.

It is disturbing indeed that the United States, even with a change of presidential administrations, continues with a short-sighted and failed interpretation of indigenous aspirations and of its responsibilities to address those aspirations.

In its self-congratulatory statement, the U.S. insinuated that it has supported the right of indigenous self-determination since the 1975 passage of the Indian Self-Determination Act. The cruel reality is that the manipulation of the term self-determination by the U.S. means little more to indigenous peoples than the opportunity to oversee colonial government programs that do nothing to advance the rights of indigenous peoples to make free and unimpaired decisions about their political and economic destinies.

The U.S. policy distorts and perverts the fundamental intent of self-determination -- a time-honored and respected international legal right -- by attempting to contort it into an exclusively domestic context -- an interpretation that no serious student of international law could abide.

Madame Chair, I request your understanding of our frustration to this most recent development and policy statement of the U.S. We mean no undue disrespect, but time grows shorter, and our future generations require us to speak with truth and integrity.

Our frustration is that after twelve sessions of this esteemed body, after numerous international conferences, and drafts of the Declaration, after countless overtures to U.S. administrative agencies and departments, the U.S. still cannot bring itself to afford us the simple dignity of calling us by the name that we choose. Through this deliberate affront, the U.S. reveals a profound disrespect for indigenous peoples and reveals its true intentions despite its attempts to mask them in superficial rhetoric.

Our frustration is that twice in yesterday's statement the U.S. called us populations, nine times it called us People (with no "s"), and four times called us tribes or tribal. We are not populations, people or tribes or bands. We are

not gaggles of geese or packs of wild dogs. We are peoples and nations, a reality that is confirmed in the over 400 treaties signed between indigenous peoples and the U.S., and we are demanding our rightful exercise of self-determination.

The U.S. uses the non-sequitur "government to government relationship," to avoid the reality of the international nation-to-nation relationship that emanates from those over 400 treaties.

In conclusion, Madame Chair, we know that you will be sensitive to our frustration that, at this historic juncture in the acknowledgement of indigenous rights, the country that could take the lead and forge a path of greater understanding and expanded human rights between states and indigenous peoples, the country that could send out a beacon for a truly progressive and far-reaching acknowledgement of indigenous peoples' rights has, instead, chosen to follow the failed and self-serving policies of the past.

Despite these troubling recent developments, we are confident in the strength and dedication of indigenous peoples and governments of goodwill to construct a new, irreversible respectful relationship for the benefit of our future generations.

Finally, Madame Chair, we all find ourselves at a monumental, historic crossroads, and, for us, well, we have chosen the path of freedom. Now, the United States must choose to decide whether its path will be that of leadership and vision that endorses human rights in an expansive and inclusive way, or whether it will choose a bankrupt path of exclusion and subordination of indigenous peoples. If it chooses the first, then we will welcome dialogue and negotiation, and perhaps someday we will grow to respect them. But, if they choose the second course, and expect us to forget the examples of our ancestors, to relinquish our international right to self-determination, or to surrender to them, then our response to them is simple and clear: **NEVER! NEVER! NEVER!**

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