



# TREATY COUNCIL NEWS

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## GENEVA CONFERENCE

INTERNATIONAL NGO CONFERENCE ON  
INDIGENOUS PEOPLE AND THE LAND, 15-  
18 September 1981  
Palais des Nations, Geneva

### STATEMENT

The International NGO Conference on Indigenous Peoples and the Land was held from 15 to 18 September 1981 at the Palais des Nations, Geneva. More than 300 representatives of indigenous nations and groups and of international and national organizations attended.

One hundred and thirty indigenous representatives came to Geneva from different parts of the world to call the attention of the international community to the desperate conditions in which they live and to their struggle to survive as nations and communities.

The root of this crisis is the denial of the right to their land. Their land and resources are plundered by vested interests and particularly by transnational corporations seeking maximum profits. The constant grabbing of more of their land and the denial to self-determination is destroying their traditional value systems and the very fabric of their societies.

The Conference condemns the systematic repression and genocide practiced against the indigenous peoples and calls for an immediate halt to these practices. It appeals to the international community, to the United Nations, to respond to the just demands of the indigenous peoples.

The Conference expresses grave concern about the serious consequences of the escalating nuclear arms race on the life and land of the indigenous peoples and draws attention to the close interrelationship between the struggle for land rights and for disarmament.

The Conference declares its solidarity with the indigenous peoples in their just struggle for self-determination and for the right to determine the development and use of their land and resources, and to live in accordance with their values and philosophy. In this time of crisis, indigenous peoples have much to contribute to the human and spiritual development of the world.

The Conference recognizes that the United Nations had taken already a number of steps in response to the recommendations made by the 1977 NGO Conference. It notes with satisfaction the possibilities indigenous peoples had to contribute to the UN Sub-Commission's Study of the Problem of Discrimination against Indigenous Populations. Indigenous representatives should have due participation in the process of formulation of standards incorporating the specific rights of indigenous populations envisaged by the Sub-Commission and parent bodies as a result of the above-mentioned study.



Delegates in Geneva

The Conference strongly supports the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the UN Commission on Human Rights and to ECOSOC to establish annually a working group on indigenous peoples.

It would welcome further strengthening of this opportunity for indigenous nations and peoples to submit their complaints and to make their demands known. This could be achieved, *inter alia*, by empowering the working group to

- accept information from all indigenous nations, organizations and groups;
- hear testimony directly from indigenous groups concerned;
- recommend fact-finding missions to investigate urgent and serious situations.

The Conference urges that action be taken at national and international levels to improve and widen access of indigenous peoples to all UN bodies, specialized agencies and committees and other intergovernmental organizations.

The Conference further requests that the question concerning indigenous peoples be given a prominent place on the agenda of the World Conference on Racism and Racial Discrimination to be held in 1983 under the auspices of the United Nations at the conclusion of the UN Decade for Action to Combat Racism and Racial Discrimination.

The Conference urges that in all international gatherings dealing with questions concerning indigenous peoples the widest possi-

ble participation of indigenous representatives be ensured.

It welcomes the growing co-operation among indigenous organizations.

*The Conference recommends to the United Nations to declare an International Year of Indigenous Peoples.*

It urges all non-governmental organizations to study the action recommendations of the four Conference commissions and take appropriate measures.



Due to space considerations we were unable to publish all four commission reports. The last two reports, Transnational Corporations and Their Effect on Indigenous People and The Land, and the Commission on Nuclear Arms Build-up will be appearing in future issues, along with Bill Means' closing statements.

# Legal Issues: Commission I

Having heard over forty declarations of indigenous delegates, representatives on NGOs and observers, and having examined the working papers submitted to it at the beginning of the Conference and further documentation received during the sessions which are listed in Appendix A and B;

Reaffirming the importance attached to the land question by the NGO Indigenous Peoples Conference in 1977 and

Affirming the inseparable connection between land rights of Indigenous Peoples and the right of self-determination;

Summarizes the proceedings as follows:

## I. Concepts

It was stressed that indigenous peoples by their very existence have a natural, original right to live freely within their own territories.

Time and again it was stated that the special relationship of indigenous peoples to their land should be understood and recognized as basic to their cultures, spiritual way of life, integrity as a people and economic survival.

## II. International Aspects

In general, all indigenous peoples are entitled to self-determination and to recognition as nations under conditions contained in articles 1 and 2 of the Declaration of Principles of 1977.

Therefore, indigenous peoples ought not to be considered as minorities or social classes and should be free from any form of colonial domination.

Some participants referred to the Anglo-European bias in existing international law. It was recommended that these definitions be expanded so as to include indigenous notions of law and fundamental rights such as communal ownership of land.

Several suggestions were put forward to improve the status of indigenous peoples under international law. These included representation in the United Nations, mandatory jurisdiction over indigenous questions by the International Court of Justice, United Nations supervision of negotiations between indigenous peoples and the governments concerned, and the international recognition of the validity of treaties and agreements concluded or accepted by indigenous peoples.

Attention was drawn to the particular problems arising from the existence of imposed borders cutting through the traditional territories of indigenous peoples. These borders have resulted in the separation of indigenous peoples and have prevented these peoples from access to their traditional economies. It was strongly expressed by many delegates that their right of free movement throughout the western hemisphere is fundamental.

For this and other serious and consistent violations of rights of indigenous peoples it was submitted that the United Nations should be the legitimate forum for complaints. One participant recommended that where the right of self-determination of an indigenous nation or people is in dispute, United Nations protection could be involved as an intermediate solution.

## III. Self-Determination and Land

Many detailed reports were given on how, in all parts of the world, indigenous peoples have been and often are still being deprived of their lands, in whole or in part. Usually the territories

with which they are left are wholly inadequate to their needs and do not provide the economic basis for their survival. Additionally, much of the remaining lands and wildlife are threatened with destruction caused by the extraction of mineral resources and by environmental pollution.

If the indigenous people were accorded the genuine exercise of their right of self-determination, they would be able to live in their lands and feed their people in accordance with their own traditions, technology, and culture, which are in harmony with the natural environment. Indigenous delegates stressed that complete control over the resources within their territories is essential to their right to self-determination and that the decision whether to develop their resources is their own. Several speakers explained the positive contributions to the world community that are inherent in indigenous traditions concerning the land.

The dispossession of indigenous people from their lands and policies of forced assimilation have led to a loss of identity, urbanization, and untold social misery. Restoration of the indigenous land base and agrarian reforms which would transfer the ownership of the land back into the hands of the indigenous peoples without a requirement of either purchase or taxation are crucial. It is also essential that indigenous lands be continuous in order to preserve the unity of the people.

Communal ownership is the essence of indigenous land rights and must be recognized nationally and internationally. Indigenous nations and peoples have the complete right to determine their own land tenures.

Large-scale violations of the land rights and other rights of indigenous peoples—for example forced integration—have occurred in a systematic way over many centuries. It was acknowledged that where this has been done with foreknowledge that the very existence of indigenous peoples would be threatened, such behavior may amount to genocide as defined in the International Convention on Prevention and Punishment of the Crime of Genocide of 1948.

In several countries, the movements of indigenous peoples and their leaders have been harassed and their actions to recuperate and defend their lands have been met by state organized or state condoned violence and terror. The freedom of indigenous peoples to organize themselves was stressed and governments of the world were urged to recognize and protect organizations of indigenous peoples and enter into meaningful negotiations with them.

It was reported that in many states, the constitution does not recognize either the existence or the land rights and right of self-determination of indigenous nations and peoples. Many delegates demanded that these constitutions be amended to recognize these rights and, once recognized, that they are fully implemented. They insisted that indigenous nations and peoples should themselves determine, in negotiations with the governments concerned, the scope and language of the constitutional amendments.

In this context, the situation in Canada received special attention. The indigenous delegates unanimously urged that any "patriation" of the Canadian constitution from the United Kingdom must be preceded by constitutional

recognition of the indigenous rights according to the principles set forth above.

Delegates of indigenous nations who are experienced in self-government and international relations have offered assistance to and solidarity with all indigenous nations and people.

## PLAN OF ACTION

The Legal Commission recommends the following Program of Action:

- that the Program of Action adopted by the Indigenous Peoples Conference of 1977 be reaffirmed and implemented, in particular the recommendations in the legal field which include proposals crucial to the land question such as:
  - that the right should be recognized of all indigenous nations or peoples to the return and control, as a minimum, of sufficient and suitable land to enable them to live an economically viable existence in accordance with their own customs and traditions, and to make possible their full development at their own pace. In some cases larger areas may be completely valid and possible of achievement.
  - that the ownership of land by indigenous peoples should be unrestricted, and should include the ownership and control of all natural resources. The lands, land rights and natural resources of indigenous peoples should not be taken, and their land rights should not be terminated or extinguished without their full and informed consent.

In addition, the Legal Commission suggests the following:

- that the indigenous peoples' nations and organizations and NGOs undertake the greatest efforts to urge the UN Commission on Human Rights and the Economic and Social Council adopt and draft resolution submitted by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities which proposes to establish annually a Working Group on Indigenous Populations in order to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations;
- that the indigenous peoples' nations and organizations and NGOs undertake to submit to this Working Group, once it is established, reliable and well-documented materials;
- that the Declaration of Principles for the Defense of the Indigenous Nations and Peoples of 1977 will be submitted to the Special Rapporteur of the Sub-Commission who has been requested to submit as part of his final report a text containing principles relating to the rights of indigenous peoples;
- that governments, NGOs and legal scholars in all parts of the world recognize the laws of indigenous peoples as a part of international law.
- that efforts be made to further the interpretation of article 1 of the two Covenants so as to include the aspirations of indigenous peoples;
- that action be taken at national and international levels to improve and widen the access of indigenous peoples to international organizations and to ensure that the International Court of Justice will become a forum open to them.

# Indigenous Philosophy and the Land: Commission II

## Preamble

The dialectical is the general and infinite law of the Universe. Its principal characteristic is the existence to two (2) contrary forces, and the complementary between them. It is for this characteristic, that in the Universe and in nature, everything is in order, everything is in harmony, there are no contrary elements fighting nor destruction between the same elements which generates the process of dynamic change, but rather "complementary opposition" between the distinct elements in order to constantly generate new states but always in harmony and always in order, not in chaos.

In the Universe all of its elements are collectively and communally organized, between them there is no inequality but rather different positions and situations but at the same time complementing and harmonizing with each other.

From the Indian way of viewing things, humanity is an integral part of nature, a prolongation of the Universe, according to its own laws and organizing itself equally in a collective and communal form.

Humanity in the very beginning was all Indian people without inequality but organized collectively. There was equality and harmony among all of the human beings, and between them and the rest of the beings of nature. This is the essence, the spirit of Indian people. We Indian people are organized and we practice "non-antagonist contradictions" which is the fundamental characteristic of the dialectical and general law of the universe because from the Indian way of viewing things, nature, humans and society are one and we do not exclude elements nor become enemies between each other.

The great disequilibrium that exists in the world today rose from the West. From the equality and harmony of the human societies of the earliest times, of that "primitive community" in the West degenerated itself into slavery into a form of society where the struggle appeared between men, the private property of all the natural resources, the hierarchy of the society classes, individualism, egoism, and the "exploitation of man by man." This inequality, this anti-natural disharmony rose from the West, from the stages of slavery today have fought more stronger and more sophisticated and have arrived to a stage of barbaric, (humanly) savage that the westerners themselves call imperialist capitalism.

In the world of today there are two systems, two different irreconcilable "ways of life." The Indian world, collective, communal, human, respectful of nature and wise and the western world, greedy, destructive, individualist, and enemy of mother nature.

It is for all these considerations that the Indian people are models for the future of humanity, because, it is a human collectivism which promotes complete harmony and love for the mother nature, the Western world as a system and as generator of the "class struggle" in the societies ("of antagonism and contradictions") will disappear by being anti-natural, and its people that fall into the darkness and in the chaos will return to be Indians, "human beings" to form with us one sole humanity without hate nor inequality with love and respect for our mother earth which is the fountain of all life and of our proper existence.

Below are two statements representative of the collective opinion of the participants.

## I.

Indian people come from an oral society and therefore our history has been denied by the perversion of our history by white European concepts. A European concept has developed that written history inherently has more truth than oral history.

When Indian people speak of Europeans they are not allowing for false distinctions. We are not saying on one hand there are by-products of a few thousand years of genocidal, reactionary European intellectual development which is bad and, on the other hand, there is some new intellectual development which is good. This includes the present theories of leftism.

Being is a spiritual proposition. Gaining is a material act, traditionally, American Indian people have always attempted to be the best people they could. Part of that spiritual process was and is to give away wealth, to discard wealth in order *not* to gain. Material gain is an indicator of false status among traditional people, which it is "proof that the system works" to Europeans.

In terms of the despiritualization of the universe, the mental process works so that it becomes virtuous to destroy the planet. Terms like "progress" and "development" are used as cover words here in the way "victory" and "freedom" are used to justify butchery in the dehumanization process. For example a real-estate speculator may refer to "developing" a parcel of land by opening a gravel quarry there. "Development" really means total permanent destruction with the earth itself removed. But European logic has gained a few tons of gravel with which more land can be "developed" in the construction of road beds. Ultimately, the whole universe is open—in the European view—to this sort of insanity.

Most important here, perhaps, is that fact that Europeans feel no sense of loss in all this. After all, their philosophers have despiritualized reality, so there is no satisfaction (for them) to be gained in simply observing the wonder of a mountain or lake or a people *in being*. No, satisfaction is measured in terms of gaining material—so the mountain becomes gravel and the lake becomes coolant for a factory and the people are rounded up for processing through the indoctrination mills Europeans like to call schools. This is all very "rational" and to the good, so no sense of loss is experienced. And it is very difficult, or impossible, to convince a person there's something wrong with the process of gaining when they lack the spiritual wisdom to feel a loss for what is being destroyed along the way.

There's a rule of thumb which can be applied here. You can't judge the real nature of a European revolutionary doctrine on the basis of the changes it proposes to make within the European power structure and society. You can only judge it by the effects it will have on non-European peoples. This is because every revolution in European history has served to reinforce Europe's tendencies and abilities to export destruction to other peoples, other cultures and the environment itself. We defy anyone to point out an example where this isn't true.

There is a problem with language here. Christians, Capitalist, Marxists, all of them have been revolutionary in their own minds. None of them really mean revolution. What they really mean is a *continuation*. They do what they do in order that European culture can continue to exist and develop according to its needs. Like germs, European culture goes through occasional convulsions, even divisions within itself, in order to go on living and growing. This isn't a revolution we're talking about, but a means to continue what already exists.

There is another way. There is the traditional Indian way. It is the way that knows that humans *do not* have the right to degrade Mother Earth, that there are forces beyond anything the European mind has conceived, that humans must be in harmony with *all* relations or the relations will eventually eliminate the disharmony. A lopsided emphasis on humans by humans, the European arrogance of acting as though they were beyond the nature of all related things, can only result in a total disharmony and a readjustment which cuts arrogant humans down to size, gives them a taste of that reality beyond their grasp or control and restores the harmony. There is no need for a revolutionary theory to bring this about, it's beyond human control. The natural peoples of this planet know this and they do not theorize about it. Theory is an abstract, our knowledge is real. Distilled to its basic belief that man is god. Europe has always sought a messiah, whether that be the man Jesus Christ or the man Albert Einstein.

American Indians know this to be totally absurd. Humans are the weakest of all creatures, so weak that other creatures are willing to give up their flesh so that we may live. Humans are only able to survive through the exercises of rationality since they lack the abilities of other creatures to gain food through the use of fang and claw. But rationality is a curse since it can cause humans to forget the natural order of things in ways other creatures do not. A wolf never forgets his/her place in the natural order. American Indians can. Europeans almost always do. We pray our thanks to the deer, our relations, for allowing us their flesh to eat. Europeans simply consider themselves god-like in the rationalism and science; god is the supreme being; all else must be inferior. Thus, the ability of Europe to create disharmony knows no limits.

A culture which regularly confuses revolution with continuation, which confuses science and religion, which confuses revolt with resistance, has nothing helpful to teach you, has nothing to offer you as a way of life. Europeans have long since lost all touch with reality, if ever they were in touch with it.

The integral relationship of the spiritual life of Indigenous peoples of the Middle Hemisphere, commonly referred to as the Western Hemisphere, with the Mother Earth, with the land, has many profound implications. It means for example, that the separation of the Indian people from the land—even when replaced with money payments—is a concrete form of ethnocide and genocide.

It cannot be argued that Indians should or must become as "rootless" as are some other peoples. When Indians become rootless, ex-

- that in view of the desperate conditions facing many indigenous peoples, the NGOs should send fact-finding missions to investigate indigenous peoples in urgent situations.

Having taken note of the excellent studies on self-determination prepared by Special Rapporteurs of the UN Sub-Commission, the Conference requests the Sub-Commission to appoint a Special Rapporteur to further study the right to self-determination focusing in particular on this right as it refers to indigenous peoples and nations.

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perience has shown that they suffer a loss of identity, of national existence, and become subject, in addition, to such symptoms of social psychological annihilation as alcoholism.

The fabric of native life consists of a tapestry woven of threads from nature—from the land and the plants and the animals of the homeland. To tear that tapestry asunder is to annihilate the Indian. The oppressors of the Indian people are often very much aware of this fact and the seizure of native land is often a premeditated act of ethnocide as was the Dawes Act of the United States of America and as is the current attacks upon the collective land base of the Mapuche of Chile, the Dine (Navajo) of Arizona, the Dene and Inuit of the North, to mention only a few examples.

The indigenous attitude towards the land, as a relative which cannot be sold, has other profound implications. Tecumseh, the Shawnee, expressed this very well in ca. 1811 when he stated that the land belongs to all and that only prior use bestows any rights. The attempt by various governments to force the Indian people to discontinue collective—communal practices and to divide the land up into "permanent" individually-owned parcels violates the religious beliefs of Indigenous peoples. Significantly, also, it is used as a means to create a "surplus" which can be acquired by multinational corporations or individuals, as in Alaska and the Arctic of Canada today. This "surplus" assumes, then, the character of "private property" and the Indian people are excluded from using it. Significantly also, this process enables the wealthy and/or powerful

to use excess money to acquire even greater control over such features as mineral resources, timber, grazing land, recreational areas, lakefront properties, oceanfront resorts, et cetera, all at the expense of the previous communal users.

The seizure of traditional communal lands is also quite often the systematic means for creating a landless rural proletariat which can be utilized as "cheap" labor with accompanying high death rates and negative social transformations.

The experiences of Indian people, from Chile to Canada, are filled with the documentation of what transpires when the indigenous right to religious freedom and to our own culture is violated by the taking of the land to which, often they have been connected for thousands of years. It is utterly hypocritical to speak of having respect for indigenous cultures when the powerful states of the Americas and the huge corporations are allowed to destroy that connection whenever they desire to exploit the timber, the minerals, the water, or the beaches belonging to Indians.

The Indian people do not seek to acquire "exclusive title" to all of the Americas which formerly was for their use alone. On the other hand, each native nation or nationality must possess sufficient land, guaranteed to them for their spiritual and cultural survival.

### Plan of Action

The Indigenous Philosophy and the Land Commission recommends the following Program of Action:

- That the United Nations and NGO's condemn those government institutions which control the lives of Indian people and continue the process colonialism and genocide.
- The United Nations involve Indigenous people in their existing institutions especially UNESCO for the development of Indigenous controlled educational systems.
- NGO's establish a fact finding body to be sent to desperate situations areas of Indigenous Peoples as soon as possible, i.e. World Council of Churches, World Peace Council, International Commission of Jurists.
- The Declaration of Principles for the Defense of the Indigenous Nations and Peoples of the Western Hemisphere passed by Indigenous people in 1977 be used as a basis for protection of all Indigenous People by the UN and NGO's.

The UN and its appropriate bodies condemn the desecration of sacred areas and the International trade of burial remains and artifacts stolen from Indigenous peoples' graves.

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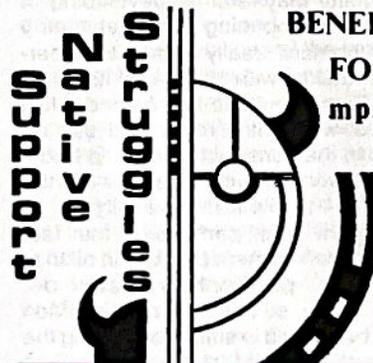
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