



TREATY COUNCIL NEWS

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Report On Nicaragua

The International Indian Treaty Council submits this report based upon its third investigative trip to Nicaragua within the past two years specifically studying and reporting on the situation of the Miskito Indians, along with the other Indians of Nicaragua. The International Indian Treaty Council returned from this most recent trip on 26 January 1983.

Responding with concern to reports in the media of human rights abuses of Miskito Indians, the IITC travelled to several Miskito villages, as well as the communities created by the relocation which took place in February-March 1982. The delegation was allowed total access to all areas which they requested to visit and were allowed inside of prisons to talk with Miskito prisoners.

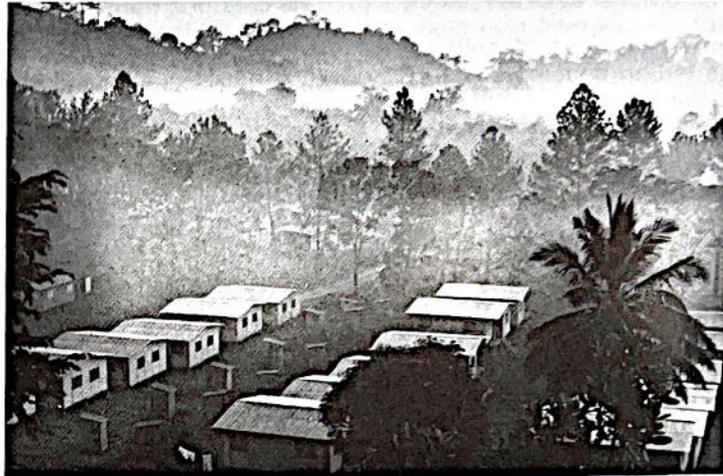
In the visits to the resettled Indian communities, the IITC discovered that while a majority did not wish to be relocated, all of the Miskitos in the communities felt it was a necessary move because of the violence in the Rio Coco region. Some of those interviewed wished to remain in the newly resettled communities while a majority wished to return as soon as the destabilization in the Rio Coco region is halted and peace returns to the area.

Some of the problems for Miskitos discovered by the IITC were in the area of food distribution, which is sporadic and inconsistent, but improving since the government has assigned a Vice-minister of the Internal Commerce Ministry to work solely on the food distribution problem. It was discovered that this particular problem was a result of the economic and military destabilization by external forces.

A second problem for the Miskitos was the state of emergency laws, causing very slow administration of due process for prisoners and detainees. The Human Rights Commission of Nicaragua is working with the Supreme Court, Ministry of Justice, Ministry of Interior and the National Directorate to alleviate this problem.

There were some Miskito prisoners interviewed by the IITC who admitted matter of factly that many of the Miskitos imprisoned were involved in the destabilization efforts, while some were merely detained for being in the vicinity of destabilization activities.

It was agreed by all interviewed that



Miskito Village

the loss of due process in most instances was the result of the state of emergency laws caused by the military activities of external forces in the area.

While these problems did exist for the Miskitos, the IITC found many positive aspects of the relations between the government of Nicaragua and the Miskito Indians.

Health Services have been greatly improved, where there had not previously been any at all.

Education was beginning to break new ground with the bi-lingual education programmes which are in Spanish, the Miskito language and English in some areas. The IITC found 36 Miskito Indians training as teachers within this programme.

There were also very impressive agricultural programmes, doing away with the slash and burn methods and introducing more ecologically sound methods. Miskito co-operative agricultural programmes were also recently implemented in areas of production and marketing. The government has made available low interest loans from the Central Bank, resulting in many Miskito villages making significant advances toward self-sufficiency in just one year.

Another significant area of progress was the dissolution of the government bureaucracy dealing with Indians, INNICA and placing the staff out in the Miskito villages. This is the first government in the Western Hemisphere to accomplish this.

The IITC also found that more and more Miskitos were participating in the government process, meeting many high ranking military officers and government officials who are Miskitos.

A major development since the last investigative delegation in December 1981

was the strong resurgence of the Indian identity on the Pacific coast, led by government efforts to defuse racism toward Indians and instill pride in being Indian.

Finally, it is important to note that the IITC delegation was given assurances by Foreign Minister Miguel D'Escoto Brockman that as soon as peace returns to the Rio Coco region, those Miskitos who wish to return to their communities there will be given every possible assistance by the government to accomplish this. The IITC delegation also saw two documents dated 15 June and 24 August 1982 which were delivered to the Inter-American Commission on Human Rights promising in writing that the Miskitos would be returned to the Rio Coco region as soon as peace returns to that area.

While many problems exist in the Indian areas, the IITC is satisfied that the government of Nicaragua is becoming more and more sensitive to the unique needs of the Indian populations and is attempting to make serious gains in the improvement of the quality of life for them.

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San Jose Declaration, 1981

(Text adopted by acclamation on Friday, 11 December 1981, as a result of the work of the Conference of Specialists on Ethnocide and Ethnodevelopment in Latin America, convened by UNESCO and the Latin American School of Social Sciences (FLACSO) and held at La Catalina, Santa Barbara de Heredia, Costa Rica [6-13 December 1981].)

The problem of the loss of cultural identity by the Indian peoples of Latin America has come under increasingly adverse comment in recent years at various international gatherings. This complex process, which has historical, social, political and economic origins, has been termed ethnocide.

Ethnocide means that an ethnic group, collectively or individually, is denied its right to enjoy, develop and disseminate its own culture and language. It represents an extreme form of massive human rights violation, in particular that of the right of ethnic groups to respect for their cultural identity, as contained in numerous declarations, agreements and conventions of the United Nations and its specialized agencies, and as proclaimed by various regional intergovernmental organizations and non-governmental organizations.

Increasing stress has been laid by organizations representing various indigenous groups in Latin America and by specialists in the field on the need to counter ethnocide and to initiate a process of genuine ethnodevelopment, i.e. the formulation and implementation of policies aimed at guaranteeing ethnic groups the right to freely pursue their own culture.

In response to this demand, UNESCO convened an international conference on ethnocide and ethnodevelopment in Latin America which, in collaboration with FLACSO, was held in December 1981 at San Jose, Costa Rica.

We, the participants in the Conference, Indians and other specialists, thus:

Declare that ethnocide, i.e. cultural genocide, is a crime against international law, as is genocide, the subject of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948.

We affirm that ethnodevelopment is an inalienable right of Indian groups.

By ethnodevelopment we mean strengthening and consolidating a culturally distinct society's own culture, by increasing its independent decision-making capacity to govern its own development and the exercise of self-determination, at any level, considered and implying an equitable and just power structure. This means that the ethnic group forms a political and administrative entity, with authority over its own territory and decision-making powers in areas constituting its own development from within processes of expanding autonomy and self-management.

Since the European invasion the history of the Indian peoples of America has been suppressed or distorted, in spite of their major contributions to the progress of mankind, which has amounted to a negation of their existence. We reject this unacceptable falsification.

As creators, transmitters and disseminators of their own civilization, as unique and specific representatives of the heritage of mankind, the Indian peoples, nations and ethnic groups of the Americas are, collectively and individually, entitled to all the civil, political, economic, social and cultural rights which are today threatened. We, the participants in this conference, demand universal recognition for all these rights.

For the Indian peoples the land is not merely an object of possession and production. It is the whole basis of their physical and spiritual existence as an autonomous entity. Territorial space is the fundamental reason for their relationship with the universe and for the maintenance of their cosmic vision.

These Indian peoples have a natural and inalienable right to keep the territories they possess and to claim the lands which have been taken from them. In other words, they are entitled to the natural and cultural patrimony contained in the territory and to determine freely how to use it and benefit from it.

The philosophy of life of these peoples, their experience, their knowledge and their accumulated historical achievements in the cultural, social, political, juridical, scientific and technological fields are an essential part of their cultural patrimony. Hence they are entitled to enjoy access to, utilization, dissemination and transmission of this entire patrimony.

Respect for the forms of autonomy required by these peoples is an essential pre-requisite for guaranteeing and implementing these rights.

Moreover, the specific forms of internal organization of these peoples are part of their cultural and juridical heritage, which has contributed to their cohesion and the maintenance of their socio-cultural tradition.

Disregard for these principles constitutes a flagrant violation of the rights of all individuals and peoples to be different, and to consider themselves as different and to be considered as such, a right recognized in the Declaration on Race and Racial Prejudice adopted by the General Conference of UNESCO in 1978 and hence must be condemned, especially when it creates a risk of ethnocide.

Moreover, it creates a disequilibrium and a lack of harmony within society and may induce these people, as a last resort, to rebel against tyranny and oppression and thus endanger world peace and, consequently, is contrary to the

Hoopa Herbicide Contamination

The Hoopa Valley Tribe's continuous efforts over the past few years to protect the health, rights, and resources of the Hupa People from the threats presented by herbicides have met with both successes and setbacks. Primarily, tribal members are concerned about the potential for adverse health effects from herbicide drift contamination of food and water supplies. Since fish constitutes a significant part of the diet of the Hupa People, as do the deer, tanoak acorns, and mushrooms hunted or gathered from the forests, contamination of these resources constitutes a direct threat to the health of the people, and a direct violation of federally reserved water, fishing, and hunting rights. Contamination of traditional plant gathering areas for spiritual, medicinal, or basket-making uses violates religious and cultural rights "protected" by federal law.

In 1978, the Tribal Council put a stop to herbicide spraying by the B.I.A. Forestry Department on Reservation lands when awareness among tribal members of the health and environmental hazards of herbicides came to the fore. Since then, no herbicides have been sprayed on the forests of the Reservation. Instead, each year Indian people are provided jobs through manual conifer release contracts.

Herbicides are still sprayed, however, on the forest lands surrounding the Reservation, within the watersheds of Reservation streams. These streams are important domestic water supplies as well as vital habitat for resident and anadromous fish species. In fact, the Tribe has an intensive stream habitat rehabilitation program and fish hatchery to help restore the severely depleted fish resources of the Trinity River system. Most of the lands surrounding the Reservation are under the jurisdiction of the Forest Service, or are owned by private timber interests. The Tribal Council endeavors to provide input into the timber management planning process at the earliest planning stages in efforts to ensure consideration of tribal rights and concerns. The Forest Service and private timber companies continue to aerially spray 2,4-D and other herbicides on surrounding lands. Last spring, the Tribe's voice was instrumental in Simpson Timber Company's elimination of a proposed spray block near the Reservation in the watershed of Pine Creek, the second most important anadromous fisheries stream on the Reservation square, but numerous other attempts to have Tribal concerns addressed through the administrative appeal process have met with rejection by state and federal agencies.

Tribal representatives over the past few years have voiced the concerns of the Hupa People through direct contact with and letters to legislators, state and

Western Shoshone Land Rights

In the high desert of northeastern Nevada, two traditional Western Shoshone women fight for their right to 15 million acres of Western Shoshone lands. Ranchers Mary and Carrie Dann are the forefront of the Western Shoshone legal battle to force the United States to honor its treaty obligations under the 1863 Treaty of Ruby Valley. Charged with trespass by the Bureau of Land Management in 1974, the Dann sisters case will determine Western Shoshone title to their ancestral lands. Proceedings before the 9th Circuit Court of Appeals, culminate eight years of their legal battle. This case is not only important because it will establish the rights of the Western Shoshone to their lands, but also because it will determine the survival of their nation as a people. The Shoshone struggle for their homeland is not unlike other efforts by indigenous people throughout the world to protect their homelands.

The land in northeastern Nevada is covered with sage and rabbit brush. Snow covered mountains fringing Shoshone territory are split by many deep canyons abundant with life. The Western Shoshone have occupied Nevada since the beginning of their memory as a people. Saggie Williams, Shoshone elder recounts "When the Western Shoshone became humans, everything was under water except the mountain peaks. That is where the people existed." Here the Shoshone have lived for tens of thousands of years. The land has determined the whole of the peoples existence. The Western Shoshone people believe that if their lands are seized, they will no longer exist as a people. Corbin Harney, elder from the Duck Valley reservation explains "If our land is taken, where will we go as an Indian people? For the non-Indian it is different, a non-Indian can go back to their home country where their ancestors are. But we as an Indian, if we do not have the land, we have nowhere else to go."

Mary and Carrie Dann, like other Western Shoshone people, continue to occupy their lands in remote areas of northeastern Nevada. The Dann band has occupied these lands for as long as they can remember. Carrie Dann recalls that they have been "grazing cattle on these lands since we were girls, just as our grandmother did before us. We have always used our treaty lands without paying fees or getting federal permits. I am grazing livestock on alot of land which the federal government claims but which we Western Shoshone own." The Western Shoshone people continue to use their lands for traditional activities such as picking of pinenuts and gathering of medicines, hunting and fishing, and spiritual ceremonies; as well as for modern uses such as grazing of livestock. Western Shoshone at-

torney, John O'Connell comments "The United States chose to leave these Indians where they were in the 19th century because the white man could see no value in their lands. The government simply forgot about them and never got around to stealing their lands, it now wishes to drive them off while pretending it happened a hundred years ago."

In 1974, the United States brought a trespass action against the Dann sisters for grazing livestock on what the government called "the public domain". The Dann's answered the charge against them by asking how the United States acquired title to lands which were recognized to be Western Shoshone under the 1863 Treaty of Ruby Valley. In the following seven years the United States has been unable to answer that question. The United States has brought forth a series of responses which have been successively disproved. Then, the Nevada Federal Court held in 1980, that the United States never extinguished Western Shoshone title to their lands *until* 1979 when the Indian Claims Commission announced its award of \$26 million dollars for their lands.

The Indian Claims Commission was established to provide monetary compensation for Native American land and resources taken by the United States. The Shoshones charge however, that in their case the Commission is being used as a means to pay for lands never taken by the United States and thereby extinguish the Western Shoshone right to it. The ruling by the Nevada District Court confirmed the belief of many Western Shoshone that the Indian Commission was being used by the United States to acquire title to their lands for the first time. Carrie Dann concluded "I have always known what the District Court decided in the trespass action against us, that the title to our lands was never taken by the United States; and that the Indian Claims Commission would be used for this purpose."

The Dann sisters and other Western Shoshones have refused to accept the \$26 million dollars which the United States is offering them for extinguishment of their title. Tom Luebben, an Albuquerque attorney specializing in Indian law, has characterized this case as "part of a continuing effort by the United States to force judgement money down Western Shoshone throats in order to quiet title to their lands. This process is a moral and legal outrage which should be recognized as a major human and constitutional issue." The Western Shoshone say that their lands are not for sale and that they will not accept money because "our mother earth is sacred." The Western Shoshone believe that the survival of the people depends on the land. They fear that if their lands are taken from them that they will not sur-

vive as a people because they will be confined to the small colonies scattered throughout their territory. These colonies, like the Battle Mountain colony which is one mile square, would be insufficient for the people to survive on. Carrie Dann affirms "The Indian Claims Commission payment constitutes selling of our Indian lands destruction of the Indian heritage and culture. No money could ever compensate taking the land from our native people. No race of people has ever sold their homeland. Where will our homeland be if we accept money? Let us walk with dignity and honor and never as a people without a country."

To the Western Shoshone, the land and the people are as one, they are inseparable. They have defended their lands since the coming of the white man, they have never relinquished their lands by treaty or other means, and they refused to accept \$26 million dollars as payment for them. In place of forcibly removing the people, the United States is using its legal system to wrest the ancient lands of the Western Shoshone from them. The Ninth Circuit Court of Appeals is presently deciding the legal question of who owns Western Shoshone lands. The real question, however will be, is there justice in America for the Western Shoshone?

EDITORS NOTE: A new publication which chronicles the Western Shoshone fight for their lands has been recently published by the Western Shoshone Sacred Lands Association — the organization of traditional elders who spearheaded the land rights movement. "Newe Sogobia: The Western Shoshone People and Land" is a 40 page cultural, political, and historical overview containing many photographs, written by Sac and Fox author Dagmar Thrope, and illustrated by Shoshone artist, Jack Malotte. All proceeds from the sale of this publication are used to support the work of the Western Shoshone Sacred Lands Association, Box 185, Battle Mountain, Nevada 89820, (702) 685-2289/5566. Available for \$5.00 plus 50¢ shipping charge.

BLACK HILLS *continued from pg. 7*

Under cross examination by Means, Hanson said he had never heard of Red Cloud or Running Antelope's speeches concerning the Hills' sacredness, nor did he give credence to the Lakotas' tradition of oral history because it could not be documented. Hanson further stated that if the Supreme Court ruled in 1980 that the Lakota had never sold the Black Hills, "then it was mistaken."

The court adjourned with no opportunity for Yellow Thunder Camp's witnesses to testify. Among those the Camp plans to call are archeologists who will show that the discovery of historic sites in the 800 acres underscores the sacredness of the area to Indian people.

Working Group On Indigenous Populations

The International Indian Treaty Council delegation of the first session of the Working Group on Indigenous Populations included William Means, Lakota, Executive Director; Mario Ibarra, Mapuche, International Indian Treaty Council Permanent Representative in Geneva; Rigoberta Menchu, Quiche, Committee for Peasant Unity in Guatemala; Ed Burnstick, Stoney; Alex Red Crow, Cree; Ron Lameman, Cree, Chiefs of Alberta, Canada.

The first session of the Working Group on indigenous Populations opened August 9, 1982 at the Palais de Nations in Geneva, Switzerland. This working group represented a five year struggle by Indigenous People around the world to establish a working body within the system of the United Nations to deal specifically with Indigenous peoples. Indigenous people generally mean people who are the original inhabitants of a particular region or land area or were relocated by economic deprivation or forced removal. Indian people of the Western Hemisphere have been the most active in the establishment of the Working Group. In 1977 the Non-Governmental Organizations within the United Nations sub-committee on Racism, Racial Discrimination and Apartheid sponsored a conference dealing with Discrimination Against the Indigenous Populations of the Americas. Over 100 Indian Nations to Governments participated in the Conference. Out of this conference came the initial recommendation that the United Nations establish a Working Group on Indigenous Peoples.

In 1977, the International Indian Treaty Council was the only Indian Non-Governmental Organization in consultative status with the United Nations, and we certainly welcomed involvement in the past five years by other Indigenous N.G.O.s including the World Council of Indigenous Peoples, Indian Law Resource Center and, in the near future, the Indian Council of South America (CISA) and National Indian Youth Council. The Working Group was the result of much hard work by many individuals, organizations and movements both inside and outside the United Nations.

In order to understand the status of the Working Group on Indigenous Population, we must explain its place in the system of the United Nations.

United Nations

Economic and Social Council

Subcommission on Prevention of Discrimination and Protection of Minorities

Working Group on Indigenous Populations

As you can see, we are under a huge bureaucracy, but this gives us as Indigenous people a direct line to the gov-

ernments within the United Nations and some of the most influential permanent groups within the U.N. system.

The Working Group on Indigenous Populations has five members which are all member states (governments) of the U.N. The members of the Working Group are Mr. Absjorn Eide, Norway, Chairman-Rapporteur; Mr. Mohamed Yousif Mudawi, Sudan; Mr. Ivan Tosevski, Yugoslavia; Mr. Jorge Eduardo Ritter, Panama; and Mr. Nasser Kaddoui, Syria. Mr. Ritter and Mr. Kaddoui being unable to attend were represented by Maria De Souza and Mr. Ahmed Saker respectively. The members of the Working Group dealt primarily with establishment of procedures for the Working Group and basically with two issues according to the resolution which establishes the Working Group.

A. Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of Indigenous Populations . . .

B. Give special attention to the evolution of standards concerning the rights of Indigenous Populations . . .

These two items are U.N. language basically calling for documenting historical and present conditions of protective mechanisms for the present and future of Indigenous people.

The working Group utilized four and one half days in dealing with these issues and produced a 28 page report which will be submitted to the larger Subcommission on Prevention of Discrimination and Protection of Minorities which will meet for four weeks beginning August 16, 1982.

Many Member States of the United Nations were represented by observers including Australia, Brazil, Canada, India, Morocco, New Zealand, Nicaragua, Sweden and the United States. The Palestine Liberation Organization was represented by an observer and the International Labor Organization and UNICEF which are U.N. Specialized Agencies were also represented. This enthusiastic interest in the Working Group shows the emergence of Indigenous people within the United Nations structure. Countries such as the United States, Australia, Brazil, and New Zealand of course have large Indigenous Populations and continually voiced concern that the Working Group not become a place to hear specific cases. But this did not prevent Indigenous people from presenting a unified and clear voice as to what Indigenous people felt about the future of the working group.

The primary benefit and strength of the Working Group is once again, Indigenous People coming together to work as a solid foundation in providing direction for the Working Group and the United Nations as a whole. For too long

the only voice within the United Nations which spoke for Indigenous people was that of the Governments that have caused and perpetuated the conditions we live under today. Indigenous people were united and spoke with a strong voice on issues concerned with the Land. Land was the key issue and its common relationship to the life and culture of Indigenous People. Consent was a key principle brought out by Indigenous people in their relationship to existing Nation States. Consent would then require Governments to consult and negotiate with Indigenous People before making changes that would affect our lives and our future. We also stressed to the Working Group that many existing United Nations Conventions and Covenants do apply to Indigenous people such as the Universal Declaration of Human Rights and the Convention on Genocide so the U.N. did not have to waste time on more studies and research because there are in place, protective agreements and principles that apply to indigenous people.

The most moving experience of the conference was the testimony given by Rigoberta Menchu, a 23 year old Indian woman from the El Quiche in Guatemala. Rigoberta was an official IITC delegate representing the Committee of Peasant Unity (CUC), a group the Treaty Council has been working with since December 1981. Rigoberta told of her brother and mother being kidnapped by the Army and murdered and her father who was burned alive with two dozen other Indians and their supporters in the Spanish Embassy in Guatemala City in January 1980. Not only did these atrocities happen to her family, but they continue. Every day people are killed with at least thirty thousand (30,000) being killed since the new President Louis Mont took over in a Coup d' etat in March of 1982. This mass Genocide continues with the arms and advisors provided by the United States similar to the early stages of Viet Nam. Despite these daily acts of Genocide, Rigoberta stated that the Indian people remain united in struggle at every level of the Society with all Guatemalan People. The struggle of Guatemalan people is not manipulation by the Communists as the media would have us believe. Rigoberta stated, "In Guatemala, there is more than 7.5 million people, and more than 4 million are Indians who are the majority. Further, among those 4.5 million Indians, some of us are in the mountain areas which are the zones of combat presently. What is the significance of that for us Indians? As I said before, the cause of our problems has been born of a situation, of the total misery of the people. They are born of deep causes such as the land to which we have no access. But that is not only the problem of the Indians, but also of the poor Ladinos

Statement By IITC

The INTERNATIONAL INDIAN TREATY COUNCIL is a Non-Governmental Organization with Consultative (II) Status in ECOSOC since 1977, made up of 98 Indian Nations of the Western Hemisphere.

Having supported the proposal for establishment of the Working Group on Indigenous Populations since it was initiated by Mr. Martinez Cobo, we cannot proceed without recognizing the decision of the United Nations to constitute the Working Group which will focus on the situation of Indigenous Peoples.

1. United Nations References to "Minorities"

The spirit of the Charter of the United Nations has been reflected in the fifty instruments concerning Human Rights that have been elaborated by the United Nations. In these general instruments, general problems are touched upon, and some articles have specifically mentioned the situation of ethnic, linguistic, and religious "minorities," and these may be invoked in defense of the rights of indigenous Populations.

We will not repeat an exhaustive analysis of those instruments, but will only cite some that appear to be the most important as a basis for proceeding in terms of developing standards in relation to the rights of Indigenous Populations:

—The "International Bill of Human Rights," which includes the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

—Convention on the Prevention and Punishment of the Crime of Genocide.

—The International Convention on Elimination of all Forms of Racial Discrimination.

The specialized organs of the United Nations have also been concerned with the problem of Human Rights and have elaborated some instruments, for example, that of the International Labor Organization in Conventions No. 50, 64, 86, 104, 107 and 111, with some recommendations. ILO Convention No. 107 and Recommendation No. 104 are important for observing the practice of ratifying states in relation to Indigenous Populations.

UNESCO has also elaborated instruments which directly refer to the elimination of discrimination and pose as an objective the inclusion of all cultures which make up the heritage of humankind. However, the only document which refers specifically to Indigenous Populations from UNESCO is the Declaration of San Jose of December, 1981, concerning Indigenous Peoples of the Western Hemisphere. We believe this document should be studied and analyzed by the Working Group on Indigenous Populations to provide a framework and overview of the dimensions of the problems in the American continents.

We recommend that the following elements be taken into account in developing standards which refer specifically to Indigenous Populations:

—All instruments (treaties and agreements) should be considered subject to arbitration.

—All instruments of the United Nations which refer to the protection of Human Rights should be considered.

—The Resolutions by the General Assembly by ECOSOC, and by the Commissions and Subcommissions that directly or indirectly refer to ethnic, religious, or linguistic minorities, and to migrant workers should be reviewed and employed.

—The instruments elaborated by the specialized organs of the United Nations should be included in the development of standards.

—The opinions, suggestions and recommendations of Indigenous organizations and groups should be an integral part of all deliberations.

—The ideas and suggestions contained in the Study by Mr. Martinez Cobo should provide a reference for developing standards.

We believe that the elaboration of standards should include the direct participation of Indigenous peoples in the discussions and drawing up of instruments, and should take into account the right of peoples to self-determination.

2. Fundamental Problems of the Indigenous Populations of the Americas

In our opinion, the fundamental problem for the Indigenous Populations in the Americas at this time is the problem of the LAND. We come to this conclusion based on the various meetings and conferences that have been held and organized by our organization, and particularly from the documents and conclusions that emerged from the Non-Governmental Organizations Conference on "Indigenous Peoples and the Land," which was held in Geneva in September, 1981, in which more than 100 Indigenous delegates participated and submitted documentation. The list of those documents is included in the present submission from our organization.

Land, for the Indigenous, is not a commercial matter. We consider the land to be geographically, economically and culturally a collective, sacred space in which a people or nation live, not only for themselves in their own time, but for the future generations. The land is sacred because it is the MOTHER EARTH, created for life. The cultures and religions of the Indigenous are linked integrally with the land, and because of this, when a group, people, or nation loses a part of their ancestral territory, it is a part of life itself that is lost. When a group, people or nation loses all their territory, this is a loss to all humanity and life on this planet because a culture has disappeared, and a particular expression of a part of humanity is gone.

The second problem that appears to us to be of fundamental importance is the recognition of the rights contained in various agreements, declarations, conventions, and other instruments made by interantional organs and some that have been made, particularly laws and treaties, within certain states that apply to indigenous populations.

3. Operational Definition of Indigenous Populations for the Working Group

We consider it necessary to develop a general definition of Indigenous with the consideration for the particularities of each group, people, or nation that would be included in such a definition, but this is a long and difficult task, and any definition will always be subject to the acceptance or rejection of particular Indigenous groups.

In confronting this problem, and recognizing the need for a working, global definition, we believe that the work of the Working Group would best be guided by an operational definition, that is, the definition found in Document No.E/CN.4/Sub.2/L.566, Page 8-11, from the Study on Indigenous Populations:

Indigenous Populations are composed of the existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them, and, by conquest, settlement or other means, reduced them to a non-dominant or colonial condition; who today live more in conformity with their particular social, economic and cultural customs and traditions than with the institutions of the country of which they now form part, under a State structure which incorporates mainly the national, social, and cultural characteristics of other segments of the population which are predominant.

In addition to the above definition, the Study elaborates an additional protected group to be included in the category, that of isolate or marginal populations:

Although they have not suffered conquest or colonization, isolated or marginal population groups existing in the country should also be regarded as covered by the notion of "indigenous populations" for the following reasons: (a) they are descendants of groups which were in the territory of the country at the time when other groups of different cultures or ethnic origins arrived there; (b) precisely because of the isolation from other segments of the country's population they have preserved almost intact the customs and traditions of their ancestors which are similar to those characterized as indigenous; (c) they are, even if only formally, placed under a State structure which incorporates national, social and cultural characteristics alien to theirs.

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Attack On Yellow Thunder Camp

"The Black Hills did not become sacred to Indian people until the South Dakota Chamber of Commerce labeled them that following World War I;" "the FBI no longer investigates AIM, nor has any law enforcement agency conducted surveillance operations of Yellow Thunder Camp; if Yellow Thunder is allowed to stay in the Black Hills National Forest, Indians may take over the entire National Forest System."

These were among the highlights of three weeks of testimony by U.S. government witnesses in the Yellow Thunder Camp eviction trial which came to an abrupt halt December 7, 1982.

When the government rested its case on Dec. 7, the U.S. Marshals Service still refused to obey presiding federal Judge Donald O'Brien's order to deliver subpoenas and pay witness fees for the defense. The Marshals Service contends it has no authority to pay fees or serve subpoenas in civil suits against the federal government, despite having done so in three previous Yellow Thunder hearings.

Noting that the government (taxpayers) had paid travel and expense costs for government witnesses against the camp, several of whom had stayed for the entire proceedings, and noting that the camp had been granted pauper status, O'Brien adjourned the trial while the government appeals his ruling to the U.S. 8th Circuit Court. The delay could last several weeks or several months.

A second reason for delay in Court proceedings is the continuing refusal of law enforcement agencies to turn over surveillance information on the Camp. On Oct. 12, O'Brien ordered U.S. attorneys to report to him on all law enforcement surveillance including agents, informants or contacts. O'Brien further ordered files on the camp or its members initiated by federal agencies turned over to camp attorneys.

The FBI produced one "dead file" mostly containing newspaper clippings and insisted it had closed its investigation of AIM in July 1979. The U.S. Marshals Service turned over one memo. Other federal agencies and states and local agencies have produced nothing.

Camp attorneys Bruce Ellison, Larry Leventhal, Roger Finzel, and Russell Means (pro se) — all of whom were active in the Wounded Knee trials — scoff at the government's insistence there were no law enforcement operations against the camp. "The FBI may have learned not to be directly responsible for such operation," Finzel said, "but you can bet someone conducted them."

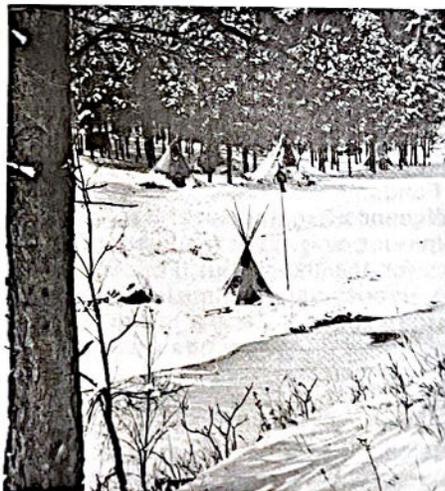
Since O'Brien has allowed transcripts of hearings on several incidents into the record (such as a July 21 shooting), Elli-

son argued that the Camp could not proceed without complete surveillance information. "The government is saying you should disband the camp because of certain incidents," Ellison told O'Brien. "We're saying we believe government agencies — whether federal, state or local, we don't yet know, were responsible for those incidents."

As Court proceedings halted, O'Brien instructed U.S. attorneys to quickly comply with his Oct. 12 order.

Many observers believe that the U.S. government wanted to delay the trial primarily because its own witnesses proved prejudice incompetence against the camp by various government agencies.

U.S. Regional Forester Craig Rupp admitted that in the 5½ years prior to Nov. 1, the U.S. Forest Service (USFS) had issued 57 Special Use permits — all to



Yellow Thunder Camp

non-Indian groups. In the same period it had denied only 3 permits — all to Indian groups.

"If a special use permit is granted to Yellow Thunder Camp, what justification is there to deny any other Indian group's claim to other portions of the Black Hills National Forest (BHNFF)?" asked the government's brief of February 4, 1982.

Questioned by Means whether this "domino theory" was the reason all 3 Indian applications for Special Use permits were rejected, BHNFF Supervisor James Mathers said it was not the reason, but "It was a concern we felt."

O'Brien addressed the specter of an "epidemic" of Indian claims by pointing out that 800 acres would be less than .00052 of the BHNFF. "So the chances of an epidemic even if the arithmetic went wild are not there, are they?" O'Brien asked.

Mathers further testified that the Environmental Assessment (EA) of the camp's application guided his decision to deny it. Under cross examination, however, Forest Service official Eugene Singaas, who had approved the EA, admitted it contained "several" known errors — and maybe more.

Craig Rupp, Mather's supervisor, also admitted that the range of alternatives explored in the EA "appears quite limited to me."

The issue of alternatives became crucial because EAs are required by law to thoroughly analyze options — such as 80 acres for 10 years or 1000 acres to be renewed annually — to special use applications. Various Forest Service officials testified they had explored alternatives with other applicants and had even conducted "negotiations" with several — but had never done so with Yellow Thunder Camp.

Another critical issue in the trial is the Forest Service's apparent disregard for the 1978 Indian Religious Freedom Act. Although high level Forest Service officials had directed forest supervisors to publicize Indian religious needs to the general public, Mathers admitted the Black Hills National Forest has never done so and did not do so around the Charles Fast Horse and the Yellow Thunder applications.

Questioned whether the Forest Service had ever asked Christian camp applicants such questions as "What powers do your medicine men claim to have?", a question asked of Yellow Thunder, Singaas admitted they had not. Mathers, however, insisted such questions were necessary because "We needed the information for management of the national forest. The only other experience we'd had with Native Americans was the earlier application by Charles Fast Horse for a site. I regret to say our meetings with Mr. Fast Horse were not particularly productive."

Throughout his testimony Mathers insisted Yellow Thunder Camp was not in the public interest because it would "alienate land from public use." He admitted, however, that the Forest Service supports the Reagan administration proposal to permanently "alienate" tracts of the Black Hills and other National Forests by selling them to private interests. He further admitted that a golf course in the Black Hills Forest does exclude most of the public.

"The Indians would have sold the Black Hills earlier except their interpreters said to make a big fuss about them in order to get a larger payment," testified ethnohistorian James Hanson. Hanson also insisted Indian people did not hold ceremonies in the Black Hills, did not regard them as sacred, and sold them in 1876.

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Sacred Lands

NO-GO Road

The traditional religious beliefs and practices of Indian people throughout the nation are entitled to the same constitutional protection from government interference as are non-Indian religious beliefs. Moreover, the American Indian Religious Freedom Act passed by Congress in 1978 directs all federal agencies (including the U.S. Forest Service) to protect and preserve the religious rights of American Indian people.

On January 14, 1983, the U.S. Forest Service opened bids for construction of the Chimney Rock section of the Gasquet-Orleans "NO-GO" Road through the heart of the Blue Creek high country. This area is religiously sacred and culturally significant to Indian people of northern California. Since time began, Yurok, Tolowa and Karuk people have continuously used the sacred prayer seats of the Blue Creek area known as: Chimney Rock, Doctor Rock, Peak 8, Little Medicine Mountain, Elk Valley, and other places as well, for spiritual and religious purposes. The spiritual power (medicine) derived from these places serves as the core of our religious beliefs and cultural identities.

Indian people are outraged by, and bitterly opposed to, the planned road construction, clear-cutting of timber, and other related development activities in our sacred religious areas. Our strong opposition is expressed because such development would unlawfully deprive us of our continued ability and freedom to practice our religion.

The construction of the Chimney Rock section of the G-O Road, and the intrusion into Indian religious areas is not just a local issue. This action by the U.S. Forest Service has serious and far-reaching implications for Indian people throughout the nation, as well. If the Forest Service is not stopped now, native religions of all tribal groups will continue to be threatened with destruction.

★ ★ ★

In October, 1976, the U.S. Forest Service announced its Overall Blue Creek Management Plan. This document was supported by an Environmental Impact Statement (EIS) entitled "Final Environmental Statement: Eight Mile and Blue Creek Units" (May 20, 1975). Indian people and the Sierra Club immediately filed an Administrative Appeal expressing our opposition to this plan. The appeal was based on two closely related issues:

- (1) The environmental integrity of approximately 31,000 acres of pristine, roadless areas of the Six Rivers National Forest, known as Blue Creek.
- (2) The constitutionally protected rights of religious freedom and cultural heritage of Indian people.

In January, 1982 (some five years later), the chief of the Forest Service announced his decision — denying our Administrative Appeal. Thus, with all the administrative procedures being exhausted, lawsuit was filed in the U.S. District Court for the Northern District of California. The Blue Creek Management Plan, as finally adopted, calls for the construction of some two hundred miles of road (150 miles within ten years) and the harvest of 116 million board feet of timber each decade for eighty years. The proposed timber harvests will be completed primarily by "clear-cutting," a logging method involving the cutting of all trees in a given area, regardless of age, size or type.

Additionally, the plan proposes to complete the Chimney Rock section of the G-O Road. This represents the final link of a fully paved, two-lane, quality road connecting the towns of Orleans in Humboldt County and Gasquet in Del Norte County. The chosen route of the road will go directly through the heart of our religious areas, midway between Chimney Rock and Doctor Rock. The road construction will provide easier access to virgin timber, as well as improving the convenience of hauling the product to mills and markets in Del Norte County and southern Oregon.

One question not addressed in the 1975 Blue Creek Environmental Impact Statement was whether the Chimney Rock section of the "NO-GO" Road should be constructed. At that time, the Forest Service deferred any decision based on the fact that they did not have adequate information on Indian use of the area.

To secure this information, the Forest Service contracted with Theodoratus Cultural Research (TCR) to conduct ethnographic, historical, and archaeological research on the Chimney Rock section.

In April, 1979, TCR published a report entitled "Cultural Resources of the Chimney Rock Section." This study, commissioned by the U.S. Forest Service, concluded, among other things:

... that present-day Yurok, Karok, and Tolowa Indians, as did their ancestors, consider the Chimney Rock Section to be sacred land; that these Indians presently utilize this sacred 'high country' in the exercise of their religious beliefs; that a crucial element of the sacred high country is its pristine nature; and that intrusions on the sanctity of the Blue Creek high country (such as would result from road construction) are therefore potentially destructive of the very core of northwest religious beliefs and practices.

The central recommendation of the TCR study, therefore, was that the proposed Chimney Rock section of the "NO-GO" Road should not be constructed.

Moreover, with respect to the Blue Creek

watershed in general, the TCR report recommended that:

... the Blue Creek area remain environmentally pristine in every respect to insure appropriate access and use by Native American practitioners. It is only by such action that the beliefs and practices of these Native American cultures can be protected and granted the freedom of expression necessary for their survival.

In May, 1979, the in-house archaeologist for the Six Rivers National Forest, Dr. Joseph C. Winter, presented a one-hundred page review of the TCR study to the Forest Service decision-makers. Dr. Winter advised the Forest Service decision-makers that TCR's conclusions concerning the religious and cultural importance of Blue Creek to the Indians, and the unmitigable destructive impact that the "NO-GO" Road would have on the sacred high country are accurate! He therefore concurred with the recommendation that the road not be built.

In May, 1981, the Secretary of the Interior determined that several thousand acres of land (called the Helkau Historic District") in the sacred high country of Blue Creek were eligible for listing on the National Register of Historic Places, under the National Historical Preservation Act (NHPA), because of their ideological and spiritual value to the Yurok, Karok and Tolowa Indians.

In January, 1982, Alexander Aldrich, Chairman of the Advisory Council on Historic Preservation (a Cabinet-level panel) recommended in his letter to the Honorable John Block, Secretary of Agriculture, that the "Chimney Rock section of the G-O Road not be constructed." The reason for this recommendation was that, in the Advisory Council's judgment, the road would have "devastating effects on a historic property of great cultural value to the Native peoples of the area," and that "the places where people worship should not be violated." Chairman Aldrich concluded:

We do feel strongly that it is fundamentally wrong to so seriously impact an area held sacred by a group of American citizens.

Notwithstanding the pleas of American Indian people, the pleas of their own professional consultants, and the pleas from the Federal Council established by Congress to advise agencies on these matters, on March 2, 1982, the U.S. Forest Service issued a decision to proceed with construction of the Chimney Rock section of the "NO-GO" Road!

In October, 1982, Indian people and the Sierra Club filed a motion for a Temporary Restraining Order (TRO) and Preliminary Injunction to stop the Forest Service from opening bids for the construction of the Chimney Rock section. Additionally, the State of California, acting by and through the Native

Occupied Hawaii

They call it the Ring of Fire. Volcanoes border the entire Pacific Ocean from the Phillipines to Mt. St. Helens, and Hawaii sits in the middle — 3000 miles from anything. Although US maps put Hawaii in a small box off of California's Catalina Island and Alaska, Hawaii is really in the Pacific — a separate geo-political entity. Hawaii is also the last frontier in an era of expansion, given the dubious honor of statehood in 1959 — 18 years after Pearl Harbor and the US entrance into World War II. There are 8 islands here in the Hawaiian archipelago — Oahu, Maui, Hawaii, Lanai, Kauai, Molokai, Ni'ihau and Kaho'olawe. And, in all of them, the people and the Aina (land) are in a struggle for life in what is becoming someone else's Paradise.

"I had a dream, not once but a couple of times," Luana Busby of Molokai recalled. "There I was being driven down a dusty road at breakneck speed in a run-down military jeep. With a baby tucked in the crook of my left arm and a machine gun propped on my right thigh, I was firing madly at the enemy. That was simply my instinct to survive, I had no other choice..." Luana's dream is the backdrop of the organizers' reality in Hawaii. She works with a native organization called Protect Kaho'olawe Ohana.

In 1941, the island of Kaho'olawe was confiscated by the Department of Defense. The farmers and ranchers were moved out, and the military took over. For 42 years now, Kaho'olawe has been a bombing range for an expanding variety of military exercises. The latest exercise — RIMPAC, entitles all "Pacific Rim" countries (Canada, Japan, US, Australia) to play war for a pending Pacific conflict — they bomb in coordination. Kaho'olawe is a microcosm of the Pacific, and the problems of Hawaii today. It is also the focal point for a struggle which has expanded to all of the Hawaiian islands, and a cross-section of the residents of Hawaii. The military has more than overstayed it's welcome.

Since it's inception in 1974, the Protect Kaho'olawe Ohana (Ohana means "family") has led an escalating struggle to regain the island. By 1976, the island was the site of litigation over the cultural significance of the entire area to the Native people. After a Court Order forced the Navy to begin a survey of Kaho'olawe for archeological and religious shrines — at least 544 separate sites were discovered on the island. The Ohana contends that at least four times as many sites are there, many of which lie in the bombing range. By 1981, the Protect Kaho'olawe Ohana had forced the Navy to sign a Consent Decree on the future of the island. Although the decree is not the last step in returning the island to the original inhabitants, the 18 point decree is a critical step in forcing a "superpower" to the bargaining table,

one which should be noted by other indigenous peoples in a similar position. The decree over a period of time provides for increased access to the Island by the caretakers — the Ohana, and a slow demilitarization of the area. In the last "cleanup sweep" of a 3936 acre access zone, Navy Lieutenant Commander Heinz Mauer inventoried some 35,678 exploded items, and 4803 live explosives left in the zone. The bombing has been extensive, and the Navy does not want to give up it's playground — unless it's forced to.

The future, however, holds the promise of "aloha aina" (love of the land) for Kaho'olawe. Between the growing political clout of the grassroots Protect Kaho'olawe Ohana, the increasingly sophisticated and diverse tactics of the native movement, and the expanding base of support in the non-native community, Kaho'olawe is the only National Historic Monument which is totally encompassed by bombing areas.

While we often associate Hawaii with pineapple and C and H sugar cane plantations, the reality is much starker — Kaho'olawe on a more diffused scale. After the bombing of Pearl Harbor in 1941, over 200,000 acres of prime land were taken by the military. Today, fully 259,000 acres — or 6.3% of Hawaii (and 25% of the island of Oahu) is under military control, more than any other state. An estimated 35% of the entire economic sector is dominated by the military, primarily because Hawaii is the Pacific Defense headquarters. By comparison, pineapple and sugar plantations contributed only some 10% of total monies to the state economy. And even the pineapple companies — Dole, Del Monte, and Castle and Cooke, are moving out. Six or more pineapple and sugar plantations have closed in the past few years alone — mostly moving to what remains of a "stabilized Latin America" — Costa Rica. The only other industries on Hawaii are construction — ie: condominiums for Canadians, and a rickety tourist industry — centered on Oahu's Waikiki.

The land issue is primary to the Native Hawaiian struggle. Some 200,000 acres of land was set aside in federal trust for Native Hawaiians, yet only 28,000 acres have been opened up for native homesteading. While Hawaiian families have been known to wait 30 years before they are "given land", some 104,863 acres were quickly turned over to non-Hawaiian business enterprises, and some 16,000 acres are controlled by the state for it's own purposes.

In *Aloha Aina*, the newspaper of Protect Kaho'olawe Ohana, the nature of the Hawaiian land struggle is described:

"... We understand that we have been denied access to our traditional means of survival by a colonization process which interrupts the pattern of learning-to-survive and substitutes learning-to-serve... Unknowingly, we pay a high

price for our Western assimilation in terms of our future choices available. The cost of a healthy capitalist economic system requires that we steal from our future to maintain our high standards of living. We can begin to measure our O.Q. (Oppression Quotient) when we realize the value of our natural resources. When a fish-pond is dredged and filled for resort development and construction jobs, we destroy a generations old resources as a sacrifice for short-term jobs and luxury developments. When our agricultural areas are left without sufficient water so that the golf courses can be kept green and scenic, we lose the opportunity to subsist on our lands as traditional people. The choices we make every day determines our O.Q. Must we support a tourist industry that continues to alienate our people from their lands. Should we support a system which has made the Hawaiians the new kauwa — the outcasts and sacrificial class for the survival of the Western way? ... Our choice of life predetermines our burden on Mother Earth and her creations ... " This is the backbone of the conflict which surfaces on all of the islands, and the Ohana has chosen to learn-to-survive, not to serve.

Kawehi Kanui-Gill made that choice 8 years ago. She organizes for the Ohana and the Hawaiian Sovereignty Committee on the island of Oahu. I asked her what brought her into the movement, "... I lost two sisters, they were organizers too. When they were fighting for our rights, I was getting loaded. They said, 'You better start getting organized, they're going to evict us from this land.' Then my brother went to prison, and that was the straw that broke the camel's back ... If you hire a lawyer and the lawyer takes all your money and doesn't defend you, hey, you've got to defend yourself..."

Kawehi lived off and on at Makua, on the island of Oahu. Her uncle lives there now. Makua is a beach, where for generations some 40 families have lived. Up the valley from Makua, the military conducts bombing exercises, and has a special gizmo for space communications. And, now at Makua, the state has decided that the beach should be turned into a state park, and that the Hawaiians should be evicted. This January, the state bulldozed the houses of the Makua residents. About 12 families still remain — "squatters" in their own land. They and their supporters have been confronting both the state and federal governments, who have different interests in the land. Attorney for Makua residents, Hayden Burgess explains the stand of the people, "Our defense is that the state has no jurisdiction over us. Makua belongs to the nation of Hawaii..."

Kaho'olawe and Makua are just two of many crisis zones in the Hawaiian archipelago, and Luana and Kawehi are just two of many native organizers. The nightmares and lives, however, are as-

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Round Valley

Covelo, California, is located in Round Valley, an ancient valley and home of the second largest Indian Reservation in California. The native peoples call this valley Masha-Kiai, meaning Valley of the tall grasses. Elk once roamed freely here, and were in abundance, the rivers were spawning grounds for steelhead and salmon, as they still are. The deer and other wildlife browsed in vast hardwood forests, and some still do, the people used the acorns from the mighty blackoak for a food staple. Round Valley is an isolated, 4 mile wide valley encircled by 6000 ft. mountains. Located in northern Mendocino County in California, North America.

This valley is the home of the Yuki Indians and in the 1870's this area was used as a concentration camp, in all its connotations. The isolation of the valley prompted a "lawless" atmosphere, in which the territorial and commercial interests of the white settlers resulted in the near total genocide of the Yuki people. Seven other tribes of Indians were rounded up and forced to walk or were hauled here, many of the Indians today; the Nomalaki, Wylacki, Wintun, Concow, Pomo and Pit River peoples remain here. Their history is a tragic and sad one, yet there is a spirit which resides here that refuses to be beaten. People are continuing the teachings and the ways that were taught them by the elders. Many are striving to maintain their spiritual connections to each other and to mother earth.

It is to this valley that Steven Bentinck, a wealthy European Baron, whose family owns major steel and gas transmission companies in Europe, has come here and purchased property and designed a power plant, and proposes siting it upon sacred land dating back 8000 (eight thousand) years.

In a field survey of the lands upon which the power plant is to be sited, seven (7) prehistoric archaeological sites were identified. (Diamond H Ranch Environmental Assessment.) The study indicated this site to be the most extensive of the many sites discovered, "one of the richest, most complex, and best preserved prehistoric sites in the Round Valley Region." (SSASC.) However, because of the pre-construction work of developing log-decks for the power plant, "all four midden components along the creek are undergoing rapid erosion, and a number of cultural features, including human burials, are being washed away". (EA-Pg.15)

The proposed power plant that Mr. Bentinck and the Berenda Corporation

of the Dutch Antilles, would take the trees, cut them up, burn them, and would in fact destroy much of the forests of Northern California. They say they will use only old cull logs left over from earlier logging, and they will use the "waste and trash on the forest floor". But in fact, there is no "trash", there is no "garbage", on the forest floor, the forest feeds on the downed dead woods and replenishes itself. We are located in a hardwood belt, which is unprotected by law and may be cut at will because they are not "protected commercial species". Few of the hardwoods are protected by the United States Forestry Service with its Commercial Species Law. Thus men are free to harvest them, clearing the land for grazing, and are not required to restock the forests nor replant the hardwoods, the length of "growth-time" is not considered profitable. The power plant proposed for this small valley will ravage the forests for the next three (3) to five (5) decades.

Many of us are troubled, for we are fighting to preserve our home, our valley, its forests, the water (we have a common aquifer), and the oaks, and we fight against very large corporate interests in Europe. Mr. Bentinck also owns an engineering firm which proposes to site these wood-burning power plants in several locations within or near the forests of Northern California, in Trinity County, in places called Hyampom, Mad River, Burnt Ranch, Hayfork. Other plants like this are also proposed for Shasta County. Northern California forests will be severely damaged, as will our fisheries, our air, as will the water, from tremendous amounts of ash, particulate matter from burning, from disruption of wildlife habitat, and we are seeking help and support from those who might listen and care that our human rights are being violated.

We are forwarding you information we have gathered from months of research and although it is technical and complicated, what it essentially says is that, studies have disclosed rampant errors in the calculations done by the consultants hired by Mr. Bentinck for the Diamond H Ranch, and miscalculations and inaccuracies in the Environmental Protection Agency's permit materials produced by the Project proponent. The Department of Fish and Game has not yet assessed the impact of storing tons and tons of ash 25 feet from the creeks where steel head still spawn, or the dangers of chemical contamination of the creeks and the water table by unlined chemical and wastewater storage ponds also located 25 feet from the

creeks. (The water table is how and from which we obtain our drinking water.)

The Berenda Corporation and Mr. Bentinck own a 28,000 acre ranch and yet they chose to site this bio-mass plant upon the most ancient Indian archaeological site known in our county. He promises to keep these valuable sites intact by paving them over in concrete, those which have not yet been disturbed or those which are at this moment continuing to erode away, so that for evermore those lands will be destroyed and unavailable to the Yuki people. He claims to be preserving these most ancient sites. Instead, we believe he is destroying them, and he has never made mention that after industrializing 28 acres of this land (with turbine generator buildings, transmission banks, lumber mills, hog-fuel storage, unlined ponds full of salts, biocides, lye and vast ash storage areas, cooling towers, and paved log decks) he will never roll up the concrete or take the eight story building down, we know he will never return the land and the forests and the site to its original purity. We terribly much need the support of peoples across the world where ever they can hear us, for we are few and we must convince the political powers that be, the Mendocino County Board of Supervisors of the State of California that building this plant is not an appropriate use or the highest use of our forests and our land, we believe that the site was chosen with as much disrespect for the earth and her peoples as the whole project itself. If you as a body could oppose this action (the siting and development of a power plant in Round Valley) and could council wisdom to these officials, and could mandate or communicate with the Supervisors of the County of Mendocino our wishes that this project be reconsidered or that some other course of action be chosen for this already torn and divided valley, we would be more grateful than words could express. We thank you for listening across the oceans and we thank you for the struggle that you lead to remember that we are one people, one family, one earth, that must be kept from destruction.

Most Sincerely,
Paula Fugman, Chairperson
Round Valley Citizens for a Safe
and Healthy Environment
P.O. Box 11
Covelo, California 95428
and
Patricia Marangoni, Ojibwa/Cree/Sioux
71400 Hill Road
Covelo, California 95428

Canada's Deception And Her Dualist Self-Determination Policy

The Indigenous people of Canada are being forced to assimilate into Canada against their will through misdirection and deceptions intended to mislead indigenous people and peoples of the world. Officials of the Canadian Government are practicing their deception by actively misleading Indigenous peoples to believe their right to self-government will be respected even as they reject Indigenous claims to original sovereignty and the right of self-determination. The Canadian Government is actively deceiving the peoples of the world by giving the impression that Indigenous peoples are exercising the right of self-determination despite the fact that she denies Indigenous peoples the right to freely choose their own political status and freely pursue their economic, social and cultural development.

Despite the external appearance created by Canada, her government seeks to directly sew economic insecurity and political instability among indigenous groups to force their acceptance of her assimilationist policies. Such manipulation violated the Convention on the Prevention and Punishment of the Crime of genocide by the deliberate "inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

Canada has imposed her system of government over indigenous populations through the enactment of the *Indian Act* (1976, 1951). This unilateral Act of Canadian Government was and is premised on the Canadian Doctrine that the Indigenous peoples' right of self-government and self-determination is fundamentally denied. Canada is further intending to impose her governments and policies on Indigenous peoples by first denying Indigenous peoples the right to share political power with the provinces and federal government under her new constitution (The Canada Act,

April 1982).

Canada has subsequently taken initiatives to define the scope of Indigenous rights without recognizing the political right of Indigenous peoples to define and establish those rights for themselves.

Through these internal deceptions Canada seeks to extend her control over the internal affairs of Indigenous lands and natural resources. She would deny Indigenous peoples the absolute right to use and dispose lands and natural resources in accordance with their wants and needs. These realities are fundamental to Canada's so-called "self-government" policy.

Canada's internal "self-government" policy is aimed at forcing Indigenous peoples to become involuntary minorities. While carrying out this internal policy Canada is seeking to create the impression externally that it is promoting self-determination in accordance with international standards. It is to this dual "self-determination" policy that we call the world's attention today.

Indigenous peoples in Canada oppose the Canadian government's assimilationist policies and reject its attempt to impose its laws over our people. For ten years we have called upon Canada to meet with the Indigenous peoples on the basis of mutual respect for our separate sovereignties and separate powers of government. Canada has ignored these responsible requests, and instead mobilized status on our peoples. We remain resolute in our determination to exercise our inherent right of self-government and our right to self-determination as peoples. The myth of self-determination as practiced by Canada through the dual application of the term is a deception on the Indigenous peoples and the peoples of the world which cannot go on unchallenged.

federal agency and program directors, through testimony at public hearings; through resolutions; and appeals. The Hoopa Valley Tribe will continue its efforts to protect the health, resources, and rights of the Hupa People.

A recently completed comprehensive survey of Reservation residents affirmed the widespread opposition to herbicide use on the Reservation *and surrounding lands*, as well as strong support for development and enforcement of environmental protection regulations. Eighty percent of the respondents oppose herbicide use on the Reservation, nearly 85% advocate monitoring of Forest Service activities in watersheds of Reservation streams and in aboriginal Hupa territory, over 80% favor such monitoring in the Trinity River watershed, and 78% favor it in the entire Klamath-Trinity River system. Nearly 80% of the respondents agree with the need for tribal environmental protection regulations.

As part of its Comprehensive Reservation Environmental Protection Program, a Tribal Environmental Code is being developed to fill the jurisdictional and enforcement gap in the area of environmental regulation which exists on Indian Reservations. Since federal statutes are usually too broad to adequately protect the environment, or are not adequately enforced on Reservations, or they delegate authority for such to the states, and since state jurisdiction is limited on Indian Reservations, environmental protection on Reservations is generally lax or non-existent. The Hoopa Tribe plans to provide for such protection through the development, adoption, and implementation of Tribal environmental regulations. Draft regulations pertaining to water and air quality, solid waste management, hazardous waste management, forest practices, pesticide use, mining practices, and environmental review procedures are expected to be developed by the end of 1982. The pesticide use ordinance will stress Integrated Pest Management techniques in order to minimize urban and silvicultural uses of pesticides, and ensure a safer and healthier environment for all Reservation inhabitants.

Open Letter From CFN

As you are no doubt aware, our newly formed Coalition was created so we could safeguard our rights, as Indian Nations.

We believe strongly and advocate The Declaration of First Nations and the Treaty and Aboriginal Rights Principles, signed on the 18th day of November, 1981. We uphold that Declaration firmly and we intend to be bonded together by that solemn document.

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(Mestizos). Because of the problems, we fight, and we do not want to separate the Revolution and the Indians, though definitely the main force in the war has been and continues to be our Indian peoples. Why? Because we are the first to have lived that cause which we did not learn in a book, nor did we learn it by studying theory much, but rather in living. And now that living experience is what has brought about a revolutionary movement that is conscious of itself and its goals. We are not fighting because we are stupid or because we are forced to fight."

Rigoberta will be working closely with

IITC in the future.

Now, Indigenous people have an official voice within the U.N. system. The Working Group on Indigenous Populations has firmly established its roots and it is up to the Indigenous People and our allies to see this small beginning grow to full representation for Indigenous Peoples within the family of Nations. We are involved in a long struggle but time has always been an ally of Indigenous People and as we meet other Indians who face Genocide every day we are inspired to carry their message of strength and resistance back to our people. Hecetuyelo.

American Heritage Commission and the State Resources Agency, filed a separate motion for a TRO to stop the bid openings on December 2, 1982. Both motions for TRO's were heard in the U.S. District Court for the Northern District of California; and on December 17, 1982, the Honorable Judge Stanley A. Weigle rendered a decision denying the motions for Preliminary Injunctions to restrain the Forest Service bid openings.

On January 14, 1983, the bids were opened. The three lowest bidders were construction companies from the State of Oregon.

With regard to the rights of American Indians under the First Amendment of the Constitution, Judge Weigle ruled that the government only must allow reasonable access to public lands in order to follow religious practices. In his decision, no consideration was given to the sacredness of the area planned for road development, nor to the subsequent intrusion that would result from a fully paved, two-lane highway running directly through the heart of our spiritual grounds. Nor was consideration given to the Blue Creek Timber Harvesting Plan that would be facilitated by road completion. Therefore, it can be concluded that either the Honorable Judge Weigle does not have adequate understanding of Indian religious practices to competently preside over this case, or, American Indian religions, and, therefore, Indian people, do not have First Amendment rights under the Constitution of the United States.

With regard to our protection under the American Indian Religious Freedom Act of 1978, Judge Weigle ruled that:

... the Act requires federal agencies to evaluate their policies and procedures with the aim of protecting Indian religious freedoms.

He further states that:

on the present record, it appears that the defendants (Forest Service) have complied with this mandate. They commissioned studies on Indian religious beliefs and practices. On the basis of those studies, they selected a route for the Chimney Rock section which *minimized* the adverse visual and audible impact on Chimney Rock itself which some Indians consider a religious site and use for religious practices.

Again, in Judge Weigle's decision, no consideration was given to the sacredness of the total area. Nor was consideration given to the prayer seats located on Peak 8. It is also very difficult for Indian people to understand how the adverse visual and audible impact of bulldozers, highland clear-cutting timber harvesting, logging trucks and sight-seeing tourists can be minimized within an area of three or four square miles. But, more importantly, Judge Weigle's decision indicates that the Indian Religious Freedom Act only requires federal agencies to commission studies and evaluate their policies and procedures.

Therefore, in his opinion, federal agencies do not have to implement the recommendations of such studies, or give protection to Indian religions.

Thus, it can be concluded that the Honorable Judge Weigle has misinterpreted the American Indian Religious Freedom Act to the benefit of the Forest Service and other federal agencies by not giving full consideration to the legislative intent of the Act.

Indian people strongly believe that we do have protection under the First Amendment of the Constitution, and under the American Indian Religious Freedom Act. But, more importantly, we feel that the U.S. Government and general public have a moral obligation to protect and preserve the religious beliefs and cultural identities of all people, no matter what their race, color, creed or national origin.

Here is what you can do:

- **Congressional Investigation.** Send letters to the California Congressional Delegation requesting an immediate investigation of the Forest Service's planned completion of the G-O Road, and its genocidal impact on the religious beliefs and cultural identities of Indian people. *Also*, encourage your family, friends and community organizations to send letters to request the same.

- **Send letters to the U.S. Forest Service.** Send letters expressing your opposition to the road construction to the following individuals:

Mr. John Block
Secretary of Agriculture
U.S.D.A.
Washington, D.C., 20250

Mr. Zine Smith, Jr.
Regional Forester
U.S. Forest Service
630 Sansome Street
San Francisco, CA 94111

Mr. R. Max Peterson, Chief
Forest Service, U.S.D.A.
P.O. Box 2417
Washington, D.C. 20013

- **We Need Volunteers!** To successfully stop the G-O Road, time, skills and energy are very much needed. Also, we need your ideas! phone (707) 443-9728 to volunteer your assistance.

The time for action is now!

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We are attaching to this letter a copy of our resolution and points of argument. This has been part of the basis of our decision to be non-participants of the concluded Section 37 (2) Conference. It has also been our decision to withdraw as members of the Assembly of First Nations and the National Indian Brotherhood.

At the same time, it is our decision that the results of the Constitutional Conference are not binding upon us. With this in mind, it is our intention to

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What is advantageous about this definition, in our opinion, is that it does not attempt to define particular and specific characteristics of Indigenous groups, peoples or nations of the Western hemisphere. For us, it is much easier to define by negation than by affirmation based on the history that began with the conquests by European powers which is a history of negation of our cultures, languages, land holding, and of our specific and particular identities as groups, peoples, and nations of the American continents.

We are conscious that there are two problems to consider: (a) that we are looking for a general definition for the Indigenous populations of the world, and (b) that we think that the definition should coincide with the definitions adhered to by Indigenous peoples themselves as expressed in their organizations.

In spite of the problems to which we have alluded, we believe the definition elaborated by Mr. Martinez Cobo is useful for the first part of the work of the Working Group on Indigenous Populations.

4. Suggestions for the Future Tasks of the Working Group

Taking into account that we have supported the Working Group since it was proposed by Mr. Martinez Cobo, we propose the following suggestions:

—Attempt to focus on "urgent" situations where the very future physical or cultural existence of a group, people or nation is threatened.

—Attempt to find ways to bring about the fullest participation possible from the Indigenous groups, peoples and nations.

—Transmit information from the Working Group to all competent organs of the United Nations according to the specialization of the organ and the relevance of the information to its competence.

convene and gather together March 30 and 31, 1983, at the Enoch Indian Reserve, Edmonton, Alberta. We extend to each of you a warm invitation to attend our meetings. We have been encouraged by the numbers of Indian people who support us. To date, we can safely state that we represent nearly one-third of the Indian population in Canada, representing many Nations.

If you have questions, concerns or require any additional information on the Conference: accommodations, transportation, etc., please contact Mr. Sam Bull at: Coalition of First Nations
C/O Enoch Band
P.O. Box 2, R.R. # 1, Site 2
Winterburn, Alberta
TOE 2NO
Telephone •: 403 - 481-6280

Charter of the United Nations and the Constitution of UNESCO.

As a result of their reflections, the participants appeal to the United Nations, UNESCO, ILO, VHO and FAO, as well as the Organization of American States and the Inter-American Indian Institute, to take the necessary measures to ensure the full implementation of the above principles.

The participants address this appeal to States Members of the United Nations and of the above-mentioned specialized agencies and request them to pay special attention to the implementation of these principles and, at the same time, to co-operate with international, intergovernmental and non-governmental organizations, of a universal and regional character, including in particular indigenous organizations, so as to facilitate the achievement of the fundamental rights of the Indian peoples of America.

This appeal is also extended to the responsible authorities in the legislative, executive, administrative and judicial fields and to all pertinent officials of the American countries to ensure that in their daily lives they conduct themselves always in conformity with these principles.

The participants appeal to the conscience of the scientific community and to the individuals of which it is composed and stress their moral responsibility to ensure that their research, practical work and conclusions cannot be used as a pretext for falsifications and interpretations which prejudice Indian peoples, nations and ethnic groups.

Finally, the participants emphasize the need to ensure that the authentic representatives of Indian peoples, nations and ethnic groups participate duly in all matters which may affect their destiny.

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Subscribe

to
OYATE WICHAHO
Box 70
Porcupine, SD 57772

Haudenosaunee Support Dennis Banks

On Saturday, March 12, 1983, the Grand Council of the Chiefs of Haudenosaunee met to consider the request of the Onondaga Nation to grant sanctuary to Dennis Banks, Chippewa, his wife, Ka Mook, Lakota, and their three daughters, Tachina, Tiopa, Tocala, age 8, 7 and 2.

The Grand Council considered the request with full discussion and debate and placed Dennis Banks and his family under the wing of the Onondaga Nation with the full support of the other Haudenosaunee member Nations.

This action is consistent with the Guyanahgoah, the Great Law of Peace. Dennis Banks and his family now sit under the long leaves of the great tree of peace planted at Onondaga by the Peacemaker, long before white people came to our shores and our lands.

Dennis Banks and his family sit in the company of many Nations and peoples who have, at one time or another, found shelter under this great tree of peace.

The Grand Council of Chiefs is concerned for the welfare of this man and his family who came here seeking justice, security and peace. We are also concerned that this issue be resolved in a way that assures the best interests of Dennis Banks, his family, the U.S. and the Haudenosaunee.

HAWAII *continued from pg. 8*

pects of both the struggle — and life in the Dark side of Paradise. The land is under military occupation, yet cheezy tourist commercials all say "aloha" and welcome to Hawaii. The truth is both, for the big gun has met it's match in the people's "aloha aina."

At this time, we would like to acknowledge the restraint of various agencies of the State of New York and the federal government, in particular, Sheriff John Dillon, Onondaga County; U.S. Attorney Frederick Scullin and the Governor of New York State, Mario Cuomo.

"Treaties are made between Nations, not men . . ." This is a recent quote from the President of the U.S.A. We believe this and we remind the government and the people of the U.S. that we, the Haudenosaunee, hold the first treaty of peace and friendship with you as a new Nation, the Treaty of Fort Stanwix, 1784. This agreement and the Treaty of Canandaigua, 1794, signed by President George Washington guarantee peace and friendship between our people. These are documents of commitment and are now the responsibility of this generation; remembering these commitments, we must put our minds together to ensure that this peace and friendship continue for our children.

DAH NAH TO ONONDAGA
COUNCIL CHIEFS

For More Information:
Dennis Banks Support Group: 415 -641-9010
IITC N.Y. — 212 - 986-6000
IITC S.F. — 415 - 441-7841

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