

Summary for a Theme on Decolonization for Indigenous Nations per Human Rights Council Resolution 48/7. adopted on 8 October 2021

Submitted by the 1894 Sioux Nation Treaty Council,
Charmaine White Face, Spokesperson,
Zumila Wobaga, Itancan

A recommendation is given to the UN Committee on the Elimination of Racial Discrimination (CERD) for a “Theme” for the dialogue with the United States of America (USA) at the meeting in August, 2022. In Oct., 2021, the UN Human Rights Council’s (HRC) passage of Resolution 48/7 entitled “Negative impact of the legacies of colonialism on the enjoyment of human rights” requires that Indigenous nations be allowed the processes of decolonization in order for the full practice of their human rights which includes the right to self-determination.

The “UN Study on Treaties, Agreements and Constructive Arrangements with States and Indigenous populations” by Special Rapporteur Miguel Alfonso Martinez that was presented in 1999, proves that such treaties and agreements are International in nature made between two nations. (E/CN.4/Sub.2/1999/20 22 June 1999) Consequently, there is no such thing as a “domestic” treaty in International law.

The requirement to end the eras of Colonization of Indigenous nations could be accomplished easily by automatically recommending such Indigenous nations with treaties or agreements with the USA or other colonizing governments to the UN Decolonization Committee and its procedures.

Article 15 of the Convention on the Elimination of Racial Discrimination with its reference to the General Assembly (GA) Resolution 1514 (XV) requires that CERD comply with both of these Resolutions: UN HRC Resolution 48/7. and GA Resolution 1514 (XV).

Therefore, the CERD needs to recommend to the General Assembly the inclusion of Indigenous nations with treaties, agreements, and other constructive arrangements with colonizing governments to the Decolonization Committee and its processes. This will also open the door to decolonization for other Indigenous peoples and nations without treaties, agreements, or other constructive arrangements, including Alaska and Hawaii, and necessitates a decolonization process be established at the UN for such Indigenous peoples and nations.

May 10, 2022

1894 Sioux Nation Treaty Council

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May 10, 2022

CERD Secretariat
UNOG-OHCHR
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CH-1211 Geneva 10
Switzerland

Dear Members of the Committee,

This information is being sent to you for inclusion in the list of themes in your Review of the USA. With the passage of Human Rights Council Resolution 48/7 on Oct. 8, 2021, titled Negative impact of the legacies of colonialism on the enjoyment of human rights and particularly the paragraphs which state:

...Expressing deep concern at the violations of human rights of indigenous peoples committed in colonial contexts, and stressing the need for States to take all measures necessary to protect rights and ensure the safety of indigenous peoples, especially indigenous women and children, to restore truth and justice and to hold perpetrators accountable,

1. *Stresses* the utmost importance of eradicating colonialism and addressing the negative impact of the legacies of colonialism on the enjoyment of human rights;

2. *Calls for* Member States, relevant United Nations bodies, agencies, and other relevant stakeholders to take concrete steps to address the negative impact of the legacies of colonialism on the enjoyment of human rights;...

Also as stated in the General Assembly Resolution 1514 (XV), 1.

“The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the *Charter of the United Nations* and is an impediment to the promotion of world peace and co-operation.”

As stated in General Assembly Resolution 1514 (XV) Declaration on the Granting of Independence to Colonial Countries and Peoples, it is now time to for the Sioux Nation **“to have an inalienable right to complete freedom, the exercise of (our) sovereignty, and the integrity of (our) national territory.”**

The Sioux Nation, also known as the Lakota, Nakota, and Dakota, but known in our own language as the Oceti Sakowin (Seven Nations), reside in the middle of North America, primarily in the American state of South Dakota. Prior to the invasion by the Europeans, the Sioux Nation once covered an area as large as twenty-four American states and four Canadian provinces.¹ We, surviving members, are the last remaining descendants of that great nation. We are the last Indigenous nation with the most recent white contact in the United States (USA). Despite attempts at forced assimilation, we still have our language, culture, spiritual practices and form of government. Our lifeways are very different from European and American practices.

The United States made treaties with our nation, the last being the Fort Laramie Treaty of 1868² which was a treaty for peace called for by the USA because they could not gain access to a certain geographic area as our nation would stop them. However, as the USA was not honorable, they continued their acts of war following the 1868 Treaty and destroyed our economy and peoples through the use of the destruction of the large bison herds which provided our food, clothing, shelter and fuel, through further starvation, and diseases for which we had no immunity. The last remnants of our nation were placed in Prisoner of War camps, similar to the concentration camps of Adolf Hitler in the 20th Century. These POW camps are now called American Indian Reservations. All of this information was documented and given to your Committee in 2008.

In 1894, despite being prohibited by American law, one of our leaders named He Dog, with many others, established the Sioux Nation Treaty Council to keep alive the information about the Fort Laramie Treaty of 1868.³ That information has been handed down quietly through the generations to today. Our leaders are not elected but are appointed based on their abilities. The current spokesperson, a woman, and we are a matriarchy, was appointed in 1994 to continue the position then filled by Antoine Black

¹*Traditional Lands of the Oceti Sakowin*, Leo J. Omani, Ph. D., Indigenous Nations Rights in the Balance, Living Justice Press, St. Paul, MN, USA, p. 127

²Treaty of Fort Laramie of April 29, 1868, 15 Stat. 635, 636

³William J. Bielecki, Sr., Memorandum Opinion, Tribal Inherent Powers, Oct. 5, 2008, P. 7 & 8, found at www.siouxnationtreatycouncil.org states: “Various historians has determined that the “Sioux Nation Treaty Council” formally formed in 1894, shortly after the Wounded Knee massacre. The Sioux Nation Treaty Council represents all of the Sioux Tribes (Approx 49 Tribes), and all other Sioux Treaty Councils would be subordinate to it, regardless of the Treaty Council’s name.”

Feather. Upon the death of the spokesperson, the next appointed person would fill that role. The author of this information is the current spokesperson.

The primary Article of the International Convention on the Elimination of All Forms of Racial Discrimination that the United States consistently and intentionally violates while the same time violating Article VI of their own Constitution, is Article 15 which states:

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

As a signatory to the Convention, the United States is bound by International law to enforce treaties they made with Indigenous nations.⁴ However, they refuse to do so. Our most recent approach was in a letter to now President Joe Biden and Secretary of State Antony Blinken on May 27, 2021, and is attached. As usual, our efforts were completely ignored.

We are not going to list all of the American racist actions, policies, laws, etc. that occur in the Sioux Nation Treaty Territory. Those can be found in a report entitled "Native Americans in South Dakota: An Erosion of Confidence in the Justice System, South Dakota Advisory Committee to the United States Commission on Civil Rights, March 2000. <https://www.usccr.gov//files/pubs/sac/sd0300/main.htm> The complaints would be the same today only with larger numbers.

Our strong recommendation to correct all of these racist actions is for the lawful and legal enforcement of the 1868 Fort Laramie Treaty and the reinstatement of the Title and land area to the Sioux Nation and other signatories to the 1868 Treaty with the assistance of the UN Decolonization Committee. We also recommend that other Indigenous nations with treaties, agreements, and other constructive arrangements with the United States also be referred to the Decolonization Committee. This opens the door for decolonization for other Indigenous peoples throughout the world without treaties, agreements, or other constructive arrangements, and necessitates a process be established within the UN Decolonization system for such Indigenous peoples. These all can be nonviolently accomplished with human rights for all.

⁴UN Study on Treaties, Agreements and Constructive Arrangements, Special Rapporteur Miguel Alfonso Martinez, 1999, p. 44, Para. 279

Therefore, we are requesting the CERD to follow Article 15 of the Convention and report our recommendations to the UN General Assembly in your report with a strong recommendation for the inclusion of the Sioux Nation, based on the 1868 Fort Laramie Treaty, in the Decolonization procedures which have recently been opened to us with UN Human Rights Council Resolution No. 48/7.

Thank you for your work to insure human rights for all peoples and nations.

Sincerely,



Charmaine White Face, Spokesperson



Zumila Wobaga, Itancan

Attachments: Letter to US President Biden, May 27, 2021
Summary Page

1894 Sioux Nation Treaty Council
PO Box 2003
Rapid City SD 57709

 COPY

May 27, 2021

President Joseph Biden Jr.
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500

Secretary Antony Blinken
U. S. Department of State
2201 C Street NW
Washington DC 20520

Dear President Biden,

When I was a little girl, my grandmother told me that we only talk to the President or the Secretary of State of the United States as we are a separate nation. That is why, now, as I am the Spokesperson for my nation, I am sending this to you and the Secretary of State.

In many of your speeches, you keep talking about the need “to heal the soul of the nation.” It is because of this phrase only that has compelled me to write to you.

In the first contacts that all Native American Indian nations had with the white people, we were greatly misjudged. This kind of thinking was also enthusiastically influenced by the edicts from the Vatican called the Doctrines of Discovery, and carry down to today. What the white people did not know then and do not know now is that we are very spiritual people. Our relationship with God is part of a lifestyle, not a religion. We do not even have the word religion in our language.

So when you talk about “healing the soul of the nation”, I must respond. Until the treatment that was given to Native American Indians by the United States is acknowledged and some kind of resolution is begun, the coming generations of my people will continue to bring up the breach of trust as human beings to human beings, and the soul of the United States will never be healed.

We are only one (1) of more than five-hundred (500) Native American Indian nations whose tragedy at the hands of the United States must be acknowledged and actions taken to begin a resolution for healing of the United States to begin. There is no action that can be taken, other than acknowledgment, of the many nations that were totally exterminated. That is called genocide.

Where to begin? An apology cannot do. What would you think if Japan apologized for all those killed at Pearl Harbor? Their actions at Pearl Harbor started a war until Japan was brought to its knees. They were occupied for many years by the United States, but no longer are today. Yet, we, Native American Indian Nations are still occupied by the United States to this day, often in violation of Treaties and Article VI of the U.S. Constitution.

There is a way, Mr. President and Mr. Secretary, to initiate an acknowledgment and resolution and that is through the United Nations Decolonization Committee, or the Committee of 24. As an occupied nation, we are waiting for your leadership to begin such an action.

We, the Sioux Nation, have a Treaty with the United States, the 1868 Fort Laramie Treaty. In that document, it even delineates the land territory set aside for our own "undisturbed use and occupation." Yet, the United States continues to illegally occupy the Great Sioux Reservation (all of western South Dakota) and also illegally trespass and live on unceded treaty territory in parts of North Dakota, Montana, Wyoming and Nebraska.

We are not asking for anything extraordinary. We are only asking that the United States uphold its word and honor and disembark from our Treaty Territory. This can be accomplished with the help of the United Nations Decolonization Committee. This has happened in many other parts of the world, so the United States already has examples which to follow.

Your desire to heal the soul of the United States is to be commended. However, the healing will not happen if you don't start with healing the initial wound. That is why copies of this are also being sent to the Vatican where we have asked for the rescinding of the Doctrines of Discovery, the U. N. Human Rights Council, and the U. N. Decolonization Committee, as all are involved.

Thank you, Mr. President and Mr. Secretary, for considering this request from one of the smallest Native American Indian nations still alive in North America.

Sincerely,



Zumila Wobaga, Spokesperson
(Charmaine White Face, American Name)

cc: His Holiness Pope Francis
President Nazhat Shameem Khan, UN Human Rights Council
C-24 Chairperson Ambassador Keisha McGuire