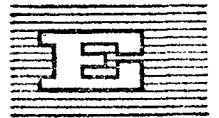


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COMMISSION ON HUMAN RIGHTS
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Agenda item 5

QUESTION OF THE VIOLATIONS OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL
DISCRIMINATION AND SEGREGATION AND OF APARTHEID,
IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO
COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

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We would like to submit this presentation as an attempt to help focus the Sub-Commission's attention on how policies and practices of racial discrimination, segregation and apartheid are used against indigenous populations, in particular, the methods employed in North America, which stand as glaring examples of the most sophisticated forms of these anti-human actions.

Throughout the world, indigenous populations find themselves threatened by the policies and practices of one form or another of colonialistic or settler state. In its most basic form, the major thrust of the threat is in the form of external exploitation of the lands comprising indigenous territories. Invariably, the natural resources which comprise a particular indigenous people's environment are coveted by an external entity for the purposes of feeding its particular form of economic order. But the actual capability for impinging upon the fundamental freedoms and human rights of indigenous peoples derives from rationales embedded in a racist ideology that goes back to the time of Aristotle.

In North America, these elements have been the basis of conflict for more than 200 years. It begins in the colonial era, but is continued and refined by the two settler states after their respective breaks with England. Within the history of North America there are distinct parallels in the events of the 18th and 19th centuries, with events occurring in many parts of the world today.

In North America, racism, segregation and even apartheid are embodied in the laws, judiciary, and the two departments of "Indian Affairs" maintained by both countries. Particularly in the case of these departments of "Indian Affairs", indigenous states, nations and peoples had been disilluminated into believing that these two bureaucracies had been created to facilitate the international treaty obligations entered into by the two countries and the original states and nations. Historical analysis shows that these two bureaus were created for far different purposes and these were:

- (1) To facilitate the colonization and expropriation of indigenous territories during the expansion eras of both countries, and
- (2) Implement the policies and laws promulgated by the settler states for the purpose of the complete subjugation of indigenous peoples.

For example, the Fort Stanwix Treaty of 1784, clearly sets forth the boundaries of the territory of the Haudenosaunee. In this treaty, "peace and friendship" and the lands were to be secure forever. A few short years went by and another treaty was necessary, the Canadaiqua Treaty of 1794, to once again preserve the "peace and friendship" and the remaining lands. From the period 1790 to 1850, the major portion of the Haudenosaunee land base was literally stolen by agents representing various land speculators such as the Holland Land Company or Ogden Land Company.

This era also produced such treaties as the "Walking Treaties" and the "Paper Chiefs". The "Walking Treaties" were basically how far a man could walk in a given number of days. The Haudenosaunee did not feel that much land would be given up considering how far a man could walk in one day. However, they didn't know that the settlers had advertised for special walkers, cleared trails, and set up relays. Much to their surprise a vast amount of land disappeared.

The "Paper Chiefs" era was another important vehicle for the loss of huge amounts of lands. Persons with no official position in Indigenous governments and under the influence of intoxicants, signed documents with the settlers that later became "treaties" surrendering vast amounts of land.

The United States federal government passed the 1790 Non-Intercourse Act which merely meant that a federal representative had to be present during any negotiations by non-federal entities with Indigenous states, nations or people. Some states, like New York, flagrantly disregarded this law and went ahead with its own treaty process.

In Canada, Ottawa and the Department of Indian Affairs and Northern Development have continued to act as the English Crown's colonial surrogate since the passage of the British North American Act (BNA). In the same, "by hook or crook" manner, huge surrenders of land were extracted from the Indigenous states, nations and peoples. The debate raging today over a Canadian constitution needs to be seen in the light that this particular settler régime is now seeking to legitimize its existence as a formal state. The international community must pay close attention to this situation because its evolution is going to mark a whole new chapter for the Indigenous states, nations and peoples on whose lands this illegal state is banking its claim.

In 1980, the two "Indian Affairs" bureaus continue to carry out their historic mandate. Responsibility for achieving the above stated two goals, has spread to other federal bureaucracies, and political subdivisions. The disseminating of this responsibility has been conducted under the guise of supposedly allowing the Indigenous peoples access to governmental services, as is the case with any other "citizen" of these countries. In doing so, the original treaty commitments are being pushed into the background while an all out process is being attempted to convince the Indigenous peoples that they are "minority citizens" of the settler states.

Had the long range plans of Ottawa and Washington been fulfilled, Indigenous states, nations and peoples would have been absorbed by the settler society, and would be resting in the pigeon holes of bureaucracy reserved for "minorities" within these régimes. Three elements have kept this from occurring (1) the original treaties, to which Indigenous states and nations continue to attach great importance; (2) the pervasive racism of the two settler societies towards Indigenous peoples; (3) a strong will to resist assimilation into these states.

Indigenous resistance to the plans of these countries has never rested, nor have they ceased to see their struggle in an international context. It needs to be made clear that the foundation of this resistance is set in a clear notion, held by the Indigenous communities, that they are independent states and members of the world community. In 1923, an Indigenous delegate journeyed to Geneva in an attempt to address the League of Nations. In 1924, the World Court handed down a decision against Canada, in an action instituted by Indigenous peoples. The original "United Nations" of the Iroquois confederacy has served as the model for the General Assembly, and in 1948, representatives of that confederacy helped to lay the cornerstone of the United Nations General Assembly building in New York. Several Indigenous delegations now travel the world on passports issued by their own governments.

The key to discerning the nature of the struggle of Indigenous peoples is to move beyond the semantics of "minority" and "citizen", as used by the settler or colonialistic states in their ~~defences~~ to allegations made about their treatment of Indigenous peoples or nations. But to get beyond this, one must be able to hear the voice and analysis of the affected parties, and at present, there is no such vehicle for the millions of Indigenous peoples in the world.

We have stated it before, and will do so again, there is a crying need for a permanent Working Group, with the Sub-Commission, that deals expressly with the question of Indigenous states, nations and peoples. In the nine years since the beginning of the study of Indigenous issues and problems, thousands have lost their lives, hundreds of thousands of acres of lands have been taken, or equally destroyed. These problems and issues are sufficiently grave enough to warrant a Working Group to come into existence before the existence of any long awaited report.

The present day United Nations was founded on a premise of peace, so was the ancient Iroquois Confederacy that this body is modelled after. But the confederacy also holds to the principle of working today, for the future of the seventh generation. In that context, we urge the members of the Sub-Commission to raise their vision beyond the turmoil of today, to focus on the vision of a world at peace, and take steps today that insure that future.