

THE CONVERSATION

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Native Americans won a vital battle at UN 40 years ago – they need help again

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Delegates entering the Geneva conference. Wikimedia

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Native Americans secured an important victory in Geneva in September 1977. The United Nations held a **Conference on Discrimination Against Indigenous Populations in the Americas**, which succeeded in pressuring the US and other governments to recognise these peoples' special status.

This led to a global regime of indigenous human rights that drew a line under a period of overt discrimination against Native Americans in the US – even if the results were far from perfect. Forty years on, Indian rights are once again backsliding alarmingly and there is again a need for international help.

In the 1970s, Native Americans were staring cultural death in the face. The US government's **termination policy** of the 1950s had sought to disband the reservation system and force Indians to become part of modern society.

The government had ended federal protection over more than 100 Native nations, removed their tax-exempt status, withdrew financial assistance and scrapped services like education and health. Reservation land was reduced in size and cut up into individual parcels that could be bought and sold.

Thousands of Indian families who moved to big cities with the government's relocation programme received too little assistance, and experienced discrimination in housing, the job market and the justice system. As a result, many sank into poverty, crime and disease.

Fightback

Many Indians fought termination in the federal courts, and President Nixon announced a change in policy towards self-determination for Indian tribes in 1970s. Yet a cohort from the 1960s Red Power movement believed their peoples' plight still needed a forum above the level of national government. This was because, they argued, their problems arose out of centuries of colonisation by settlers from European nations.

These activists wanted the UN to recognise their right to "decolonisation". Had they succeeded, some Native American reservations would be independent countries today. But the UN said that these issues were a domestic matter and refused to intervene.

The only other avenue available was to advocate Native American sovereignty as a human right. To do this, both the Canadian National Indian Brotherhood and the US-based International Indian Treaty Council secured NGO status in the UN's Economic and Social Council in the mid-1970s. This came at a price: they had to reassure the UN they were not seeking full independence but would focus on indigenous human rights instead.

They then managed to convince various international organisations to sponsor a conference for 1977. An unprecedented mixture of participants came together, including the UN's major agencies, 33 national governments, 38 international organisations, and indigenous delegates from 14 countries in the Americas.

At the forefront were representatives of the **Lakota Nation**, a Sioux people concentrated in the Dakotas. They recommended to take to the UN Committee on Decolonisation the issues of "the status of American Indians under international law, violations of United Nations covenants and agreements, treaty recognition by the United Nations, land reform, autonomy and increased land base".

They recommended the US government be censured for genocide and forced to ratify the **1948 Genocide Convention**. They wanted the nation states to recognise treaties signed by Indian peoples as international law – thereby allowing them to contest subsequent violations – and for the UN to call an international convention on Indian rights for 1978.



Leading activist Winona LaDuke addressing the 1977 conference. Wikimedia

The Carter administration vehemently rejected suggestions of genocide, while pointing to its recent efforts to improve conditions for Indians. It said it was handling Indian issues within the framework of the nation state and rejected any attempts to leverage them as transnational issues or matters of international law.

Nonetheless, the Indians were able to use the conference to help develop a supranational monitoring and advisory mechanism for protecting indigenous human rights. As a result, the UN now receives and acts on reports of rights issues. It advises national governments and other entities on best practice and calls them out on violations.

Meanwhile, since the shift towards self-determination, the US government has recognised Native American sovereignty in areas like education, cultural affairs, health services, religion and law. Some Indian nations have used casino licensing rights to raise funding for revitalisation projects, albeit their situation remains a long way from perfect. Many are still struggling with poor public health, addiction, depression and suicide, and their treaty rights are still not fully recognised or enforced.

Recent issues

The UN has continued to put some pressure on the US in recent years. In 2012, James Anaya, the body's then Special Rapporteur on the Rights of Indigenous Peoples, went on the first fact-finding tour of native communities in the US.

He subsequently called on the Obama administration to return to the Sioux peoples their sacred lands in the Black Hills in South Dakota, which were confiscated for gold mining in the 1870s. This, he said,

would be a “step towards addressing systemic discrimination against Native Americans that continues to this day”. So far, however, efforts by the Sioux have been unsuccessful.

The environment has also become a major battleground – particularly Keystone XL, a 1,179 pipeline to transport petroleum from the tar sands of Alberta in Canada to Nebraska, via Saskatchewan, Montana and South Dakota.

Originally authorised by the US and Canadian governments, indigenous and allied activists in both countries have protested vehemently. They fear that any accidents will poison water, land and food sources; and devastate the Indian way of life and the environment of the whole region.

After a march on Washington by the Cowboys and Indians Coalition in 2014, the Obama administration withdrew its support for the project the following November. The incoming Trudeau government in Canada expressed disappointment, but pledged to observe the rights of its indigenous population.

Yet things have changed for the worse under Donald Trump. He has reauthorised the project and greenlit its US wing, the Dakota Access Pipeline, despite desperate resistance by the Sioux and their allies.



Tremendous. EPA

A fitting way to honour the anniversary of the arrival of the Native American nations into the UN would be for the body to apply more pressure on these issues. It can't strong-arm governments to reverse policies, but it can still make such matters embarrassing and prominent.

Environmental challenges and indigenous rights are international issues that need international protection. The UN should redouble its efforts to convince the governments and corporations

involved to act responsibly and do what is right by the people who were there first.

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