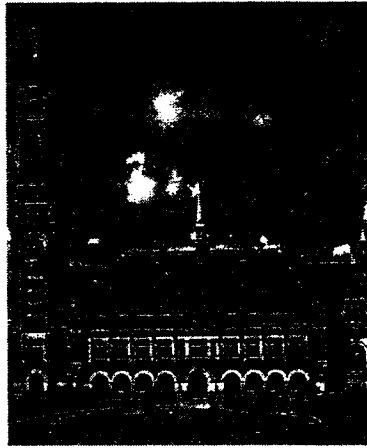


World Court Case

An important aspect of this treaty gathering was the presentation of a project of the Teton Sioux Nation Treaty Gathering over the past several years. With the help of the international legal experts supervised by and consisting



The International Court of Justice,
The Hague, Netherlands

of the American Indian Law Alliance, we were advised that the complicated process of getting to the International Court of Justice begins with a written description of our case. For lack of a better term, we are calling this document a brief. The brief is not so much a legal discourse as it is a presentation of the case of the Lakota Nation with respect to violations of its treaties with the United States in the context of international law and standards.

"The Lakota Nation and its treaty relationship with the United States was one of the case studies (see paragraph 39 of the Treaty Study) utilized by Professor Martinez in preparing the Treaty Study and exemplifies the issues and problems that he calls the "Indigenous problematique." The Lakota Nation with specific treaties, territory, language, culture and history, offers an instructive model upon which to base an appeal for international intervention.

Although Indigenous nations and cultures are by no means homogeneous, there are many similarities in values, principles and political struggles. For example, reverence for ancestral land, equality, not just for people but all animate and inanimate properties of Mother Earth, preservation of resources for future generations, and a universal desire to ensure the distinctiveness of a unique way of life. These can be safely generalized.

These values are all reflected in the traditional government, culture and society of the Lakota Nation, making the case it is presenting here reflective of the status of Indigenous nations and peoples from across the globe.

This document focuses on the treaty relationship between the Lakota Nation and the U.S. Treaties are a significant aspect of the relationship between nation states and Indigenous peoples and provide the juridical link to the issues of land and culture. Therefore, the case of the Lakota Nation is again demonstrative of the Indigenous "problematique." Treaties, agreements and/or constructive arrangements between Indigenous peoples and nation states, as reflected in the Treaty Study, can be found on every continent in a wide variety of histories and circumstances. In the same vein, violation and abrogation of treaties directly affects the issue of Indigenous rights to land, resources and culture, to which Professor Martinez gives such primacy."

The document was assembled and orally presented to the people at this gathering by Kent Lebsock of the American Indian Law Alliance who also serves as the Legal Secretary to the Teton Sioux Nation Treaty Council. In his presentation he explained that although many aspects of western international law and standards were utilized, there was a conscious attempt to include the tenets of Natural Law as communicated by the elders and traditional people during the many years of treaty gatherings of the TSNTC.

In his presentation, he summarized the conclusions of Professor Martinez's Treaty Study that Indigenous treaties with colonizing nations are international in nature and that this status was never surrendered by the Indigenous nations entering into the treaties. The presentation also described the process of domestication by which settler nations like Canada and the United States had, through their own internal mechanisms, attempted to make these international treaties the subject of domestic law. The brief also addresses the IRA colonial governments and how the United States had used this process to tighten its control over Indigenous nations through blatantly illegal elections in establishing the IRA governments in violation of the treaties. Finally, Mr. Lebsock spoke about the brief's discussion of the principles that should be applied in remedying the violations of these treaties including self-determination, sovereignty and collective rights.

After the presentation by Kent Lebsock, a lengthy discussion with the people ensued. In one question about utilizing domestic remedies, Tonya Gonnella Frichner (Citizen of the Onondaga Nation, President of the American Indian Law Alliance and an internationally recognized advocate within international forums) explained that the remedies within domestic jurisdictions had been exhausted at this point.

"When you have exhausted all internal remedies, you go to the international community, you appeal to the family of nations. Going to the courts in the United States at this point is very dangerous. They act contrary to our interests. It is not a good idea to go to the United States courts."

Willie Littlechild, who's presentation will be discussed in more detail later, also suggested that the Commission on Human Rights had only recently created a new Special Rapporteur on the human rights of Indigenous peoples. Mr. Littlechild suggested that presentation of this case to this Special Rapporteur might be of value.

Charmaine White Face commented on the importance of this work to her own efforts on behalf of the Lakota Nation. Her work is concentrated in preserving the land so that:

"when, not if, the treaty is upheld, there will be enough wilderness areas left in our territory, especially the Black Hills, to live with traditional respect for the land."

Rosalie Little Thunder expressed many of the same sentiments.

"The reason I started coming to treaty meetings

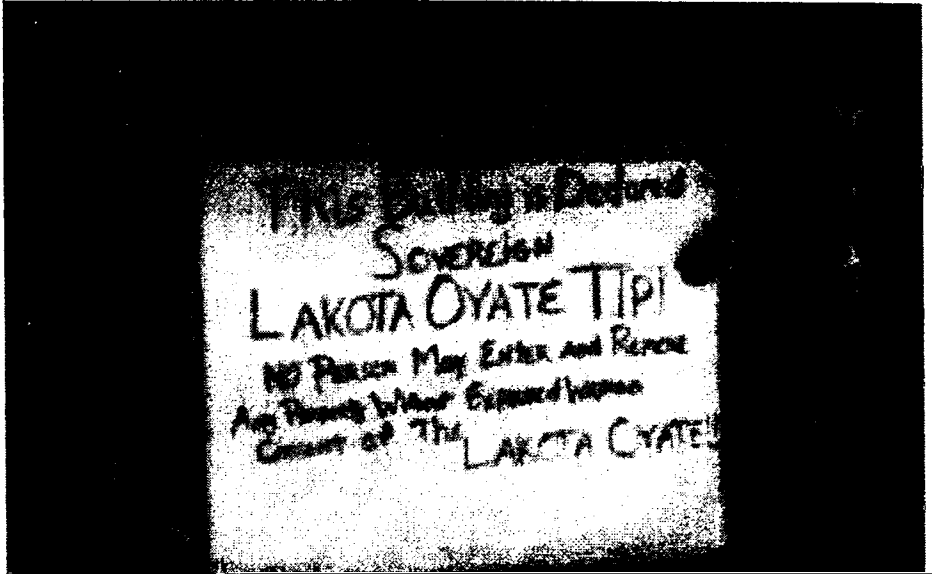


level, from the grassroots efforts of our tiyospayes to the international efforts at the United Nations.”

Without each other, the future for our people, our land, and our culture is indeed grim.

The Takeover and Traditional Government

One important legal point discussed in the brief is the need to define the terms of statehood under international law. One of these requirements is the ability of a people to govern themselves. The presence of an oppressive, colonial power does not, however, negate the existence of this traditional government even though it may affect its efficacy. Therefore, the efforts at Pine Ridge to revitalize the functions of the traditional government, based on the tiyospayes, are an important link



life because of it. The elders told us we have to go back to our treaties because the treaties hold us to a spiritual obligation. The takeover is a spiritual journey.” Theresa Red Feather

“We have had no voice and our efforts are to bring us back to square one, to revitalize our way of life. People have spoken for us who have no faces. We need to clear many of these things out of our lives; such things as Robert’s Rules of Order, by-laws, and constitutions. These things do not belong to us. But many miracles have happened and I want to be a part of this new future for the Tetuwan Oyate.” Iris Grey Bull

Much of the discussion at the Black Hills gathering concerning the takeover and the establishment of the international embassy centered around meetings at Pine Ridge on June 27 and June 28 just prior to the treaty gathering. The Unrepresented Nations and Peoples Organization had sent an investigator, former State Senator John Nimrod, to report on the situation. Because we are one people, with one mission, it is important to include a report on those meetings within this document.

A formal presentation was made to Senator Nimrod by the Grass Roots Oyate at the Embassy building. John Long presented the welcome to Senator Nimrod and presented a list of issues that would be discussed including the social, political, economic and cultural grievances of the people:

- Land management under the federal IRA system is a total failure;
- the Grass Roots Oyate should have the exclusive right to occupancy of Lakota territory;
- the Grass Roots Oyate should be left alone to govern ourselves according to our traditions;
- the Grass Roots Oyate has the right to exclusive nation-to-nation discussions with any agencies or branches of the United States government;
- all laws, acts, court decisions, etc., by the United States, in opposition to the Fort Laramie Treaty of 1868 should be null and void.

John Long gave an impressive presentation on the failures of the IRA government.

“The outcome of the effects of the imposition of the 1934 IRA governments reverberates through our communities to this day. The IRA was designed to provide ‘development’ along western models to benefit non-Indian people. It is a dirty and corrupt system that has affected all aspects of tribal council governance; the police, the judges, the people who administer the programs. There are no checks and balance in this system so there is no cure or relief from it. The people

were told that the IRA government would restore the land to the people, but this too failed. The IRA system is a way to get us hungry and poor so that we will say ‘yes’ to the imposition of state government, denying us our sovereign status. Don’t tell me to vote – I have a treaty.”

Chancy Loafer presented the cultural aspects in his report to Senator Nimrod. The cultural integrity of the nation is preserved by the tiyospayes and the oyate. The only way to ensure the integrity of the Lakota culture is to eliminate the IRA and BIA agencies on the territory of the Lakota Nation. As stated by many of the members of the Grass Roots Oyate, Mr. Loafer reiterated that this is being done for the future generations.

“This movement towards revitalization of the traditional government is completely independent.

The truth of his statement is underscored in that, unable to militarily conquer the Lakota, a specific campaign to wipe out the buffalo, and thus the livelihood of the Lakota people, was institutionalized in the 19th century.

"We had a society in which everything belonged to no one and was shared by everyone. The United States has wanted to make us into capitalists which is completely contrary to what we are about. As a result, we live in a welfare economy in which \$100 million is sent to the reservation annually. Fifty-percent of this welfare money is spent outside the reservation. Banking institutions



