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- [Learn About The History of Broken Promises–The Treaties 1778-1883](#) (2013)
- [Honor The Treaties](#) (14:07, 2011)
photographer Aaron Huey's work on the Pine Ridge Reservation, featuring Shepard Fairey
- [America's native prisoners of war](#), Aaron Huey TED talk (15:21, 2010)



'Honor the Treaties': UN Human Rights Chief's Message

by Gale Courey Toensing Aug 24, 2013
Indian Country Today

States need to keep their promises and honor the treaties made with Indigenous Peoples no matter when they were signed, according to the United Nations human rights chief.

[Navi Pillay](#), the [U.N. High Commissioner for Human Rights](#), issued a [statement August 7](#) to mark International Day of the World's Indigenous Peoples on August 9.

“Even when signed or otherwise agreed more than a century ago, many treaties remain the cornerstone for the protection of the identity, land and customs of Indigenous Peoples, determining the relationship they have with the State. They are thus of major significance to human rights today,” she said.

The High Commissioner said that exploitation of Indigenous Peoples and expropriation of their lands and resources continue today and “underscore the need to do more to protect the rights of the estimated 370 million indigenous people worldwide.”

Treaties are important partly because they often marked the end of a period of conflict, exploitation and expropriation, Pillay noted. “The honouring of treaties has in many cases been described as a sacred undertaking requiring good faith by each party for their proper enforcement. Yet too often indigenous communities are obliged to go to the courts to force States to live up to their promises,” she said. “The nature of the agreements themselves, with their spirit and contents passed on through elders to future generations, reminds us of their fundamental importance,” Pillay said.

The spiritual aspect of treaty-making escaped the United States government, history tells us. The U.S. federal government entered into more than 500 treaties with Indian nations from 1778 to 1871; every one of them was “broken, changed or nullified when it served the government’s interests,” Helen Oliff wrote in “[Treaties Made, Treaties Broken](#).”

Until the early 1800s, Indian nations were in a position of strength to negotiate treaties, according to writer and scholar [Robert Miller](#). “The newly formed United States faced internal problems and external conflicts with European countries and could not afford war with Indian tribes. Hence, early treaty-making between the United States and tribes was often favorable to the tribes,” Miller said in his article on “[Indian Treaties as Sovereign Contracts](#)”: “After the War of 1812, though, and the relaxing of the European threat against the United States, the weakening position of tribes led to more one-sided treaty negotiations in favor of the United States.” The “weakening position” was brought about by white expansion south and west, federal government policies such as Andrew Jackson’s policy of ethnic cleaning known as the [Indian Removal Act](#) and and the government’s genocidal efforts as against the Lakota people later in the [19th century that continue today](#).

The [American Indian Movement](#) (AIM) in Minneapolis had a plan to repair some of the damage done by broken treaties. In 1972, AIM issued the “Trail of Broken Treaties” [20-point Point Position Paper](#) seeking redress from the U.S. government for the broken treaties. The recommendations included having the federal government:

- establish a Treaty Commission with the power to make new treaties and guarantee that existing treaties aren’t violated;

create a committee of both Indians and non-Indians to examine treaty commitments and violations; to ratify treaties that haven't been ratified;

- ensure that there is judicial enforcement and protection of the treaty rights of American Indians;
- have Congress relinquish its control over Indian affairs and instead create a joint committee called the "Committee on Reconstruction of Indian Relations and Programs";
- the restoration of 110 million acre Native land base, and more.

Only a few of the recommendations have been acted on, including restoration of tribal status to the [Menominee and Klamath tribes](#), which had been [terminated](#) in the 1905s, and passage of the [American Indian Religious Freedom Act](#).

The High Commissioner said the [U.N. Declaration on the Rights of Indigenous Peoples](#) will play an important role in promoting the recognition, observance and enforcement of treaties and other arrangements concluded with states. The U.N. Declaration was adopted by the General Assembly on September 13, 2007. The U.S., Canada, Australia and New Zealand voted against its adoption, but all four countries later endorsed the indigenous human rights statement.

"There is a growing commitment by States to fully implement Indigenous Peoples' rights, as shown by constitutional, legislative or administrative measures that recognize indigenous identity, rights to lands and resources, culturally appropriate forms of development, as well as programmes to tackle poverty and disadvantage," Pillay said. "The message of this International Day of Indigenous Peoples is about building alliances and honouring treaties. This reminds us that efforts need to be redoubled to build a partnership between states and Indigenous Peoples based on trust, mutual respect, rule of law and the affirmation of Indigenous Peoples' culture and customs," Pillay said.

Looking ahead to the World Conference on Indigenous Peoples in September 2014, Pillay encouraged states "to take concrete steps to honour and strengthen the treaties they have concluded with Indigenous Peoples and to cooperate with them in implementing new agreements or other constructive arrangements through transparent, inclusive and participatory negotiations."