



International Committee for the Indigenous Peoples of the Americas

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NGO in consultative status with the Economic and Social Council (ECOSOC) of the United Nations

US Treaty Violations with Indigenous Nations

In 1868, the United States entered into a treaty for peace with the last remaining sub-nation of the Great Sioux Nation, the Tituwan, who were located in the center of North America. Our nation is situated on the western portion of our original territory, encompassing 24 American states and 4 Canadian provinces. By the time the 1868 Fort Laramie Treaty was finalized, white invaders surrounded our nation. Only a few survivors of the other six sub-nations of the Great Sioux Nation remained and were existing on reservations east of the Missouri River. The 1868 Treaty provided for the Sioux survivors of the genocide, a territory “for the undisturbed use and occupation of the Indians.” (Article 2, 1868 Treaty)

However, when gold was discovered in our Treaty territory, the United States illegally opened up our Treaty territory to white colonizer-settlers. By 1889, just 21 years after the signing of the peace treaty, the United States established the states of North and South Dakota, Montana, Wyoming, and Nebraska. This action violated both the 1868 Treaty and the Constitution of the United States, Article VI, which states that “treaties are the Supreme Law of the land.”

Although the United States (US) consistently violates international treaties made with Indigenous nations, somehow, our nation has survived the ongoing genocide. Just recently, a young Native American man was at a gas station within our 1868 Treaty Territory when an elderly white couple drove up. As they exited their vehicle, the man turned to his wife and said, “I thought we got rid of all of them.” This case of structural racism shows that genocide is still thought to eventually become a reality in many minds of the non-indigenous population of the United States, only more finessed and subtle.

The American Indian reservations were originally established as prisoner-of-war camps, and where the remainder of the Sioux nation is forced to survive today. This relocation occurred after the remaining people of the Sioux nation fought for their treaty territory and survived starvation and disease.

These actions represent crimes against humanity and also constitute an international violation of our treaty. For instance, the 1868 Treaty, Article 12, can only be amended with the approval of three-fourths of the adult Indian males. This requirement has never been enforced in more than 150 years, despite forced assimilation, the destruction of our Sioux culture, and 40 years of efforts by our delegates at the United Nations for a resolution to this travesty.

Although International Treaties fall under the jurisdiction of international law, there has always been and continues to be a great need for an International Forum to assist in resolving and enforcing treaties or agreements made between colonizing governments and Indigenous Nations. In the case of the Sioux Nation, the flagrant violation of the Fort Laramie Treaty of 1868 by the United States exemplifies this significant need. Article II of the 1868 Treaty specifically designates a treaty land territory for our “absolute and undisturbed use and occupation.” Our culture and value stand in stark opposition to the values of the US. However, since 1874, the US has belligerently occupied our entire Treaty Territory. Surely, our Sioux Nation is entitled to the same protection from the United Nations that is given to other nations. We seek only the full enforcement of the Fort Laramie Treaty of 1868, and our freedom from the belligerent occupation and domination by the United States.

In the United Nations’ 1999 “Study on Treaties... between States and Indigenous nations”, in Paragraph 277, 278, and 279, Special Rapporteur Professor Miguel Alfonso Martinez states:



277. It is well known that fulfilment, in good faith, of legal obligations that are not in contradiction with the Charter of the United Nations Art. 2.2) is considered one of the tenets of present day positive international law and one of the most important principles ruling international relations, being, as it is, a peremptory norm of general international law (jus cogens). Of course, article 26 of the Vienna Convention on the Law of Treaties has enshrined the principle of pacta sunt servanda as the cornerstone of the law of treaties, and mention has already been made... of the importance of article 27 of that Convention.

278. It should also be borne in mind that the draft United Nations declaration on the rights of indigenous peoples expresses the same concept with particular emphasis. In article 36, it establishes that “Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, according to their original spirit and intent, and to have States honour and respect such treaties, agreements and other constructive arrangements”.

279. On the other hand, the unilateral termination of a treaty or of any other international legally binding instrument, or the non-fulfilment of the obligations contained in its provisions, has been and continues to be unacceptable behaviour according to both the Law of Nations and more modern international law. The same can be said with respect to the breaching of treaty provisions. All these actions determine the international responsibility of the State involved.”

The international responsibility of the United States is to enforce the Articles of the 1868 Fort Laramie Treaty honorably. If the US cannot do so, a recommendation is to allow the UN Decolonization Committee to initiate the Decolonization process granted to many other occupied territories, including those not explicitly delineated in an international treaty.

The processes of the UN Decolonization Committee would not only provide a way for the Sioux people to obtain their freedom and independence but also provide time for the removal of all illegal trespassers from the 1868 Treaty Territory who were allowed in by the United States. Article II also states that the Sioux nation shall have the right to admit anyone into their Treaty Territory. No free, prior, and informed consent has ever been granted regarding the illegal influx of colonizer settlers into the 1868 Treaty Territory. These actions are gross violations of not only individual human rights but also the rights of nations.

Therefore, we strongly recommend that the Universal Periodic Review of the United States include the violations by the United States of international treaty laws, rights and obligations to the Sioux nation and all other Indigenous nations with whom treaties were made in North America.



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