



Resolution 8

The resolution proposal below is a 'Zero Draft'

EMPOWERING ECOLOGICAL OUTCOMES BY HONORING TREATIES

WHEREAS

Many Indigenous Peoples, including the Oceti Sakowin Oyate, have signed treaties with national governments. In all such cases, Indigenous Peoples, like national governments, are possessed of inherent sovereignty and may enter into such agreements in good faith. In the case of the Oceti Sakowin Oyate, these treaties were signed in 1851 and 1868 at Fort Laramie, and recognize a combined territory of approximately 60 million acres that include the better part of South Dakota, and parts of North Dakota, Minnesota, Montana, Wyoming, Colorado, and Nebraska for the "free and undisturbed use" of the "Great Sioux Nation." Few, if any of these treaties, have ever been fully implemented, despite recognition of their legal standing by national courts, including the Supreme Court of the United States.

National governments continue to dishonor themselves and the treaties with devastating consequences for both Indigenous Peoples and the environment. Currently, the Oceti Sakowin Oyate occupy less than 2 million acres of land while federal authorities continue to approve and support uses and interactions that further degrade treaty lands. For example, in 2016, the United States Army Corps of Engineers approved the Dakota Access Pipeline (DAPL) on treaty lands taken from the Standing Rock Tribe in 1958. This pipeline runs beneath Lake Oahe and the Missouri and Mississippi Rivers, which are sacred rivers that millions of people (not just the Oceti Sakowin) depend upon.

Since the Mining Act of 1872 which allowed miners to purchase claims on sovereign treaty lands, mines (first for gold and now for uranium, lithium, and rare earth), were the first major infrastructure in violation of the treaties with the United States federal government. Abandoned gold mines continue to pollute the waters and sit atop sacred places, while new mines jeopardize water quality and availability in an area that is dry and subject to increasing drought conditions as we confront the twin ecological crises of climate change and biodiversity loss.

Meanwhile, federal, national, and provincial authorities work hand-in-hand with tribal authorities devised and imposed by colonial powers on Indigenous Nations (in the case of the

Oceti Sakowin Oyate this occurred through acts of Congress in 1889 and 1934) which permit and grant approval of activities that further destroy the land, including oil and natural gas drilling. Traditional authorities, the treaty councils, and those who seek to restore and interpret traditional lifeways in this new era, disagree with these decisions and view them as a consequence of ongoing treaty violations.

Indigenous Peoples, including the Oceti Sakowin Oyate, since time immemorial have been distinct Peoples possessed of inherent sovereignty. These Nations and communities share common ancestry and their own societies, spiritualities, languages and dialects, lifeways, culture and traditions, knowledge, science and technology, economy, history, territory, laws and norms, governance, leaders, warriors, and the capacity to enter into relations with other nations. For the Oceti Sakowin Oyate, our traditional form of government is a decentralized confederation among seven bands that include both appointed and hereditary positions of authority who maintain our customary laws of Wakȟáŋ Tȟáŋka, wólakȟota, and the čhaŋnúŋpa. Our lifeways also contain institutions and knowledge forgotten by the dominant, colonial culture that makes Indigenous Peoples more effective stewards of the environment when empowered to steward our treaty lands and practice our traditional practices.

THEREFORE

Western scientists have called to keep half of Earth's lands, waters, and seas intact in order to preserve the ecological functionality of the biosphere and slow or halt the climate crises. Political leaders have proposed protecting 30% of Earth's surface by 2030 (30x30). Restoring treaty lands, waters, and seas to Indigenous Peoples and traditional cultures interrupts the extractive and destructive misuse of these areas by national authorities and the resulting severe ecological consequences. It also honors the agreements these governments entered into with the leaders of other sovereign nations.

RESOLVED

Require the full respect and enforcement of all treaties with Indigenous Peoples according to the laws of Indigenous Peoples and the international law of treaties between nations as equals. Require that matters and disputes between Indigenous Peoples and national governments, and other nations and states, be resolved by treaties as between nations as equals. Restore and respect the primacy of the traditional and customary laws of Indigenous Nations and communities in the constitutions and courts of national authorities. Recognize that achieving the Half/30x30 target must include the restoration of treaty lands to the customary governance and stewardship by Indigenous Peoples.

- Restore the traditional customary governance of Indigenous Peoples.
- Restore the traditional customary selection of governance officials by Indigenous Peoples.
- Cease the colonial rule of treaty lands, including the so-called doctrines of discovery, trust authority, and plenary power.
- Implementation by Indigenous Nations of inherent sovereign authority including but not limited to any and all use or development of its lands, water, minerals, and airspace and the conduct of persons, corporations, and any other entity occurring within its territory.
- Require the return of all territory and lands, including but not limited to sacred Pahá sites, unceded lands, and all territory and lands taken through allotment.
- Require full reparations for all harms of any kind or nature, including but not limited to the ecology, suffered by Indigenous Peoples.

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