“Strengthening Partnership between States and indigenous peoples: treaties, agreements and other constructive arrangements”

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The views expressed in this paper do not necessarily reflect those of the OHCHR.
I want to share some of the experiences of my nation, the Seminole Nation of Oklahoma and our history of treaty making.

The Seminole Nation of Oklahoma began treaty negotiations with the U.S. Federal government in the early 1820’s. Prior to the early 1820’s, Spain had been the European country with whom the Indigenous Peoples came into contact. The United States acquired Spain’s “asserted” rights to what later became known as Florida. There have been seven treaties involving the Seminole Nation and an additional two with the Creeks that are related.

Before foreign invasion the people were grouped by tribal townships and these were geographically based. In addition, the people inherited a clan membership. These tribal towns also called Bands were located throughout the Southeastern United States including Florida but not limited to Florida. With the removal of Indigenous Peoples from their homelands for the expansion of the foreigners the peoples were divided by those that were forced to what became Oklahoma and those that escaped into the lower part of Florida.

The peoples that were re-settled in Oklahoma entered into treaties with the federal government with an understanding that all parties were sovereigns. It was this understanding that formed the basis for the treaty making relationships.

The Seminole Nation maintained their traditional system of government and decision making through the Band system. Every member is born into a tribal Band and each Band has two representatives and a Band Chief. There are twelve tribal Bands and two Freedmen Bands. Each Band sends their representatives to a council and it is this convening that constitutes the Seminole Nation General Council. There is also an elected Principal Chief to chair the general council meetings and to carry out the decisions of the council. Each Band still maintains its own decision making systems within their own customs. Decisions that come before the Nation are presented to the Bands for each members input. These decisions are then put forth to the full council by the respective representatives. This ensures that each member has a say in the decisions of the Nation with their free, prior and informed consent. This system is based on long standing traditional forms of government and is still in effect.

Historically a chief was not necessarily a decision maker but more of an advocate on behalf of the people. With each tribal nation the leadership systems were different. In some tribal governments a chief may be empowered to make sole decisions and it is this form that the federal government based so many of their dealings with all nations. That however is not the system that we have in place. This system of the Seminole Nation gives each person the ability to participate in decisions that affect them and provides systems of accountability for those that do not represent them appropriately.

In the case with the Seminole Nation, treaties were more often than not a means of land cessions. After treaty making ceased in the early 1870’s various elements such as federal government legislated acts were also used to acquire the natural resources of the peoples.

Even more land was ceded as a means of punishment after the Civil War.

As the Seminole peoples entered into these various treaties it was done so with an understanding that these were nation to nation legal agreements. Even though with each treaty more land was ceded to the point that we find ourselves in today there was mutual recognition that they were entered into by two sovereigns. Throughout the days of treaty making the Seminole Peoples always maintained the original forms of decision making. The Band system is still used today with some adaptation to working with the federal government system.
It is my recommendation that States including the United States that have treaties with Indigenous Peoples to fully implement the UN Declaration on the Rights of Indigenous Peoples without qualifications.

Thank you for the opportunity to present our information. Mvto