



# Know Your (Treaty) Rights

## A Guide for Tribal Citizens

Treaty rights are fundamental to Tribal sovereignty because they secure unique rights for citizens of Native nations. This resource seeks to provide citizens of Native nations with a starting point to learn more about treaties, understand how treaty rights are exercised today, and provide ideas for how Tribal citizens can continue to assert and protect their treaty rights for the next seven generations.

### Introduction

Citizens of Native nations have unique rights based on Tribal constitutions and treaties. Treaties are the “supreme law of the land” according to the United States Constitution and must be upheld. Whether you are living on your reservation, in a city, or in the suburbs, citizens of Native nations with treaty agreements are encouraged to explore, understand, and actively use their treaty rights. But how do you get started?

### What are my treaty rights? How can I find them?

Finding your Native nations' treaty (or treaties) may be challenging and your nation's website could be a good place to start. Although specific treaty rights may not be outlined explicitly on the website, news articles or community highlights around current efforts to strengthen treaty rights may be accessible here. Additionally, treaties have been compiled online through a [Tribal Treaty Database](#). Use this resource to learn more about engaging with your rights and the provisions around them. It is important to note that not all nations entered into treaties with the United States, so there is a chance you are unable to find treaties for your particular nation. However, regardless of whether or not your Native nation entered into treaties with the federal government, all Native nations are inherently sovereign.

Ask your relatives! Many Tribal citizens have learned about their treaty rights through their Tribal Council, by being in Tribal leadership positions, or knowing a relative who has. They may be able to share their experiences and expertise with you. Some of the greatest knowledge is kept within storytelling. Speaking with your elders can be a great resource when looking to learn more about your treaty rights.

To learn more about Native nation's rights, familiarize yourself with the United Nations Declaration on the Rights of Indigenous People ([UNDRIP](#)). Though it was adopted by the UN in 2007, a “declaration” only carries moral force and is not legally binding to states. Its influence is heavily situated within international human rights law and provides context for mutually agreed upon values between states. For Indigenous peoples, it is essentially a “soft” recognition of their rights at the international level. Yet it *is* a step towards greater recognition for sovereign Native nations.

## Exercising and asserting your treaty rights

Exercising and asserting treaty rights is crucial to supporting the inherent sovereignty of Native nations. There are several different ways Native nations and their leaders can uniquely support their community and rights of citizens regardless of where they live:

- **Legal Advocacy:** Native nations and communities can use legal action to affirm their treaty rights. Many Native nations have established legal teams or partner with organizations specializing in Indigenous rights.
- **Government to Government Relations:** Native nations are engaging with federal, state, and local governments to help ensure treaty rights are upheld. Learn more about what your nation is doing in your region and if there are opportunities to support their efforts.
- **Legislative Action:** Nations can work to influence or advocate for legislation at the local, state, and federal levels that supports or protects treaty rights. This may include lobbying lawmakers, drafting bills, or participating in public comment periods.

- **Community Education and Awareness:** Educating the community about their treaty rights and the historical context of those treaties can empower citizens to advocate for themselves. This may involve workshops, cultural programs, or educational campaigns.
- **Lean into Culture:** Actively practicing and revitalizing cultural traditions, languages, and ceremonies reinforces the importance of treaty rights. Provide space and opportunities for citizens both near and far to connect to culture! Cultural programs and traditional practices serve as a reminder of the promises made in treaties and bring visibility to those exercising their treaty rights today.
- **Economic Development:** Nations can further support citizens developing businesses and economic enterprises to help their community members assert their rights through economic self-sufficiency. This may include managing natural resources, tourism, or other ventures aligned with treaty provisions.

There are so many different ways for Native nations to support citizens to know and use their treaty rights. Leaders of Native nations can reflect on the needs of their community, their gifts, and take action to uphold their treaty rights.

## **How can Native American youth be engaged in understanding and advocating for their treaty rights?**

Across Indian Country Native youth are stepping into advocacy spaces to defend and strengthen the sovereignty of their communities. Oftentimes, youth are stepping into topics or issues that at first glance do not scream “treaty rights” but more than likely affirm practices protected in treaties. Whether it is language revitalization, preserving traditional practices, getting involved with #LandBack, etc., youth are engaged in areas that are inherently intertwined with treaty rights.

- **Youth Council:** To get involved with treaty rights more directly, first consider joining your nation's youth council. If your nation doesn't have one, you can look into starting one. Youth councils are a great space for youth to come together and learn about different topics, rights, and traditions within the community. It is likely that council itself will support the idea and help you learn about what they are working on. If you are involved already, think about how your group can support the treaty rights of your nation and potentially hear from relatives who are doing the work!
- **Treaty Camps:** Does your Native nation offer a treaty camp for community members? Could you look at starting one? These camps are a great way to get hands-on experience with areas such as tribal management projects, as well as fishing and gathering, all while learning about your rights to do so!
- **Treaty Groups:** Treaty groups can be a great way of learning more about the treaty rights in a certain region or for certain Native nations. They provide education and resources in addition to doing some other really wonderful work like providing treaty camps and events for community. Some treaty groups to check out include:
  - **1854 Treaty Authority**
  - **International Indian Treaty Council**

## Once I have an understanding of my treaty rights, what can I do?

Citizens who have an understanding of their treaty rights should try to actively participate in their protection and promotion. This will contribute to the overall well-being and sovereignty of their Native nation. Citizens can consider taking the following steps:

**Advocate for Rights:** Actively advocate for protecting and enforcing treaty rights within their own community and beyond. This can involve speaking out at public meetings, participating in advocacy campaigns, or engaging with policymakers.

**Participate in Tribal Governance:** Get involved in Tribal governance and decision-making processes. By participating in Tribal councils, committees, or advisory boards, citizens can help ensure that treaty rights are upheld and integrated into Tribal policies and practices.

**Educate Others:** Share knowledge about treaty rights with family, friends, and community members. Sharing information helps build a more informed community and empowers others to advocate for their rights as well.

**Support and Engage with Tribal Organizations:** Join or support Tribal organizations and advocacy groups that work to protect and promote treaty rights. These organizations often provide resources, legal support, and lobbying efforts that advocate for Native sovereignty.

**Participate in Culture:** Engage in cultural activities related to your treaty rights. This not only helps preserve cultural heritage but also reinforces the importance of these rights within the community.

**Advocate for Policy Changes:** Work towards changing or improving policies at the local, state, or federal levels that impact treaty rights. This can involve lobbying, participating in public consultations, or drafting proposals for policy amendments.

**Leverage Media and Communication:** Use media platforms such as social media, local newspapers, and Tribal radio, raises awareness about treaty rights and related issues. Effective communication can amplify voices and mobilize broader support.

**Participate in Education and Training Programs:** Attend workshops, seminars, and training sessions on treaty rights, legal issues, and advocacy skills. Continued education helps citizens stay informed and effective in asserting their rights.

**Promote Youth Involvement:** Encourage younger generations to learn about and become involved in treaty rights advocacy. Investing in youth education ensures the continuation of these efforts and the empowerment of future leaders.

This is just a quick list to get you started, there is room for everyone to learn more about and use their treaty rights. We encourage you to consider your gifts, where you are located in relation to your community, your capacity, and the current needs of your Native nation.

## Additional Resources

- *Federal Indian Law* 7th Edition by Getches et al.
- Senate.gov: [About Treaties](#)
- BIA.gov: [What are Indian Treaty Rights?](#)
- BIA.gov: [Does the United States still make treaties with Indian Tribes?](#)
- Library of Congress: [Treaties](#)
- National Archives: [American Indian Treaties](#)
- History.state.gov: [Indian Treaties and the Removal Act of 1830](#)
- Office of the Administration for Children and Families: [American Indians and Alaska Natives - Treaties](#)
- National Museum of the American Indian: [Nation-to-Nation: Treaties Between the United States and American Indian Nations](#)
- *An Indigenous Peoples' History of the United States* by Roxanne Dunbar-Ortiz
- [Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and other Similar Rights in Federal Regulatory Actions and Federal Decision-Making](#)
- *Rebuilding Native Nations: Strategies for Governance and Development* edited by Miriam Jorgensen