



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #TUL-13-006

TITLE: Requiring a Federal-Tribal Joint Review of Sacred Places Taken Away from Native Peoples

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, NCAI has supported numerous efforts to protect and recover Indigenous peoples' sacred places, but many Native sacred places in the United States were declared part of the "public domain" and otherwise confiscated and are under the jurisdiction of federal agencies or are "owned" by states or private interests, and many are threatened with damage and destruction today; and

WHEREAS, the federal government authorized, enabled, or did not stop sacred places being wrested from Native peoples' control or Native peoples being wrenched from their traditional sacred places, and the federal government, states and private interests have benefited from the use of these traditional areas and are in a position to do something about these takings and to return or otherwise protect these sacred places; and

WHEREAS, NCAI helped develop the United Nations' Declaration on the Rights of Indigenous Peoples, which has been endorsed by the United States, and the Declaration features provisions regarding sacred places, including the following:

Article 11, 2: States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

NOW THEREFORE BE IT RESOLVED, that NCAI calls on the President to direct federal entities to review and report on the manner in which they've acquired jurisdiction regarding Native American sacred places and whether such jurisdiction was asserted and sacred places taken with or without Native peoples' free, prior and informed consent, and whether the federal government disposed of sacred places or turned over control of them to others with or without Native peoples' free, prior and informed consent; and

BE IT FURTHER RESOLVED, that federal entities, in collaboration with the Native nation(s) with traditional religious interest in the sacred place, prepare recommendations for protection of the sacred place, through existing laws and policies, through a federal-tribal agreement to co-manage or jointly steward the sacred place, through transfer and return of the sacred place to the Native nation(s), or through a mutual agreement to seek congressional approval of a plan to protect the sacred places; and

BE IT FURTHER RESOLVED, that this directive be issued as quickly as possible, so that this federal-tribal collaborative work may begin to rescue sacred places from ongoing or pending desecration; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2013 Annual Session of the National Congress of American Indians, held at the Cox Business Center from October 13–18, 2013 in Tulsa, Oklahoma with a quorum present.


President

ATTEST:


Recording Secretary