



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #DEN-18-028

TITLE: Request Compliance with the Native American Graves Protection and Repatriation Act and UNDRIP

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Tlingit

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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, the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001, et seq. and implementing regulations promulgated at 43 C.F.R. 10 et seq. were enacted to protect Native American graves and to protect and repatriate cultural items of Native Americans; and

WHEREAS, for purposes of NAGPRA, cultural items include human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony; and

WHEREAS, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the United Nations General Assembly on September 13, 2007, and the United States endorsed the UNDRIP on December 16, 2010; and

WHEREAS, Articles 11, 15, and 31 of the UNDRIP provides for the protection and control of indigenous cultural items including ancestral remains and the requirement that free, prior, and informed consent be given before an action affecting a Native Nation be taken; and

WHEREAS, cultural items of Indian tribes have ongoing indigenous history, traditional, and cultural importance to American Indians, Alaska Natives, and other indigenous cultures; and

WHEREAS, these items are important because they have indigenous history, and ongoing traditional cultural, social, political importance to the continuing and future identity, traditions, practices, and continuing and traditional laws; and

WHEREAS, it is the responsibility of American Indian, Alaska Native, and other indigenous individuals and nations to protect and care for these ancestral remains, sacred items, and objects of cultural patrimony that are part of their cultural inheritance from their ancestors; and

WHEREAS, the indigenous history of the manner in which public and private institutions obtained possession or control of these ancestral remains, sacred items, and objects of cultural patrimony occurred against the wishes, morals, and laws of American Indian, Alaska Native, and other indigenous nations; and

WHEREAS, the terms of NAGPRA and its implementing regulations requires that cultural items, that are excavated or discovered on Federal or tribal lands, be returned to lineal descendants, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony, the American Indians, Alaska Native, and indigenous peoples on whose lands they were discovered and who has the closest cultural affiliation with such remains or objects; and

WHEREAS, very few ancestral remains, sacred items or objects of cultural patrimony have been returned to American Indians, Alaska Native, and indigenous peoples as required by NAGPRA since NCAI called for full implementation of NAGPRA in our *2002 Policy Statement of the National Congress of American Indians*.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) hereby calls upon the United States and its agencies to utilize and comply with NAGPRA and UNDRIP as it was intended; to reunite American Indian, Alaska Native, and indigenous peoples with all cultural items, and human remains and funerary objects; and

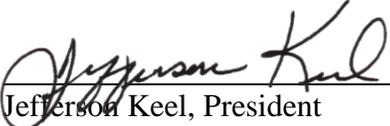
BE IT FURTHER RESOLVED, that the NCAI will advocate for the right for Native Nations to make decisions and provide permissions about how and if at all the ancestral remains, sacred items, and objects of cultural patrimony are displayed in public fora, including but not limited to; newspapers and online articles and publications, other forms of visual media including video, as well as academic publications and presentations; and

BE IT FURTHER RESOLVED, that NCAI supports all American Indian, Alaska Native, and indigenous peoples in reuniting their people with their cultural items so that their indigenous history, heritage, culture, traditions, ways, and identities can be maintained now and into the future; 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 2018 Annual Session of the National Congress of American Indians, held at the Hyatt Regency in Denver, Colorado October 21-26, 2018, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary