



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ATL-14-033

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TITLE: For the United States, Including the Federal Agency Managing Hanford Nuclear Reservation, to Recognize a Reversionary Interest or a First Right of Refusal Vested in Tribes when the Federal Government Seeks to Sell or Convey Title to Indigenous Lands It Holds

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, the United States, as a matter of federal law and policy, forced Indian tribes to cede millions upon millions of acres of indigenous and culturally significant lands, and significant portions of those ceded indigenous lands remain under the ownership and control of the United States federal government, including through its various federal agencies; and

WHEREAS, many Treaties between Indian tribes and the United States of America reserve to Indian tribes certain proprietary rights over ceded indigenous lands, including, among other things, the right to hunt, fish, gather traditional foods, and worship; and

WHEREAS, the United States federal government, without the consent or even consultation of effected tribes, routinely sells or conveys title and other interest in ceded indigenous lands to private owners or other public entities such as state and local governments; and

WHEREAS, reserved Indian Treaty rights over ceded indigenous lands are frequently ignored by private owners and public entities when the United States sells or conveys indigenous such lands to them; and

WHEREAS, insofar as these indigenous lands often times hold important cultural resources and sacred sites, those indigenous cultural properties are directly imperiled, if not desecrated or destroyed, by private or public ownership; and

WHEREAS, Indian tribes be allowed to acquire these indigenous lands through a reversionary interest that is triggered before any transfer of title to such lands to any other entity; and

WHEREAS, the failure of the United States to recognize the reversionary interest Indian tribes have in their indigenous lands has manifested recently by the federal government's sale of certain Yakama Nation Treaty-protected ceded lands in and around the Hanford Nuclear Reservation or the "Hanford Site" to third parties without prior and meaningful consultation with the Yakama Nation or any opportunity for the Yakama Nation to secure title to their indigenous lands and otherwise protect their guaranteed Treaty rights and cultural properties; and

WHEREAS, the Annex to the United Nations Declaration on the Rights of Indigenous Peoples ("Declaration") expresses "concern[] that indigenous peoples have suffered from historic injustice as a result of . . . their colonization and dispossession of their lands, territories and resources, and "convince[ment] that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions..." and

WHEREAS, Article 26 of the United Nations Declaration provides that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired," including the "right to own, use . . . and control" those properties; and further, that nation "States shall give legal recognition and protection to these lands, territories and resources" in recognition of "the customs, traditions and land tenure systems of the indigenous peoples concerned;" and

WHEREAS, Article 27 of the United Nations Declaration provides that "Indigenous peoples have the right to determine and develop priorities for the development of use of their lands or territories or other resources," which shall include conservation; and further, that nation "States shall consult and cooperate in good faith with the indigenous peoples . . . in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories or other resources.

NOW THEREFORE BE IT RESOLVED, that the NCAI finds and demands that the United States—pursuant to various Treaties with Indian tribes and its ongoing trust responsibility to Indian tribes and the Declaration—adopt a policy acknowledging indigenous title and rights to indigenous lands that Indian tribes ceded to the United States, in order to protect and advance Indian tribal sovereignty, self-determinations and cultural preservation; and

BE IT FURTHER RESOLVED, that this federal policy culminate in executive orders, legislation, and corresponding regulations requiring the United States and its various agencies to offer title to indigenous ceded lands to the appropriate Indian tribe, or at least obtain the tribe's free and informed consent, before selling or otherwise conveying title or interest to such lands to any third party; and

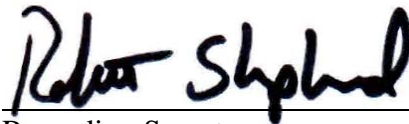
BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Annual Session of the National Congress of American Indians, held at the Hyatt Regency Atlanta, October 26-31, 2014 in Atlanta, Georgia, with a quorum present.


President

ATTEST:


Recording Secretary