



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #REN-19-031

**TITLE: Auctioneers and Buyers Should Incorporate UNDRIP into Their Ethical Standards and Purchasing Practices of Indigenous Items and Collectors Should Support Contemporary Indigenous Artists**

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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 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 largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, Indigenous cultural heritage items, including but not limited to ancestral remains, burial belongings, sacred and ceremonial items, and items of cultural patrimony are often held by tribal nations communally with no individual possessing authority to remove or alienate such items from a tribal nation; and

**WHEREAS**, these cultural heritage items are significant and possess ongoing historical, traditional, cultural, social, religious, and political importance to American Indians, Alaska Natives, Native Hawaiians, and other Indigenous Peoples' identities and ways of life; and

**WHEREAS**, these cultural heritage items ensure the protection, revitalization, and continuation of Indigenous histories, cultures, languages, religions, identities, traditions, practices, governances, and overall well-being; and

**WHEREAS**, Indigenous cultural heritage items have been stolen, looted, trafficked, and taken under duress and in unconscionable circumstances without the free, prior, and informed consent of tribal nations; and

**WHEREAS**, many of these cultural heritage items are in public and private institutions, including but not limited to museums and auction houses, and in private collections throughout the United States and abroad, including but not limited to France, Germany, Spain, Norway, Sweden, Italy, and the United Kingdom; and

**WHEREAS**, Native American cultural heritage items within private collections may not be covered under the Native American Graves Protection and Repatriation Act (NAGPRA); and

**WHEREAS**, NAGPRA was enacted to protect Native American graves on federal and tribal lands and to protect and repatriate cultural items from federal agencies or entities that receive federal funds. However, other federal, state, and tribal laws, as well as international human rights treaties and mechanisms, may apply to cultural heritage items that have been removed without free, prior, and informed consent of the tribal nation; and

**WHEREAS**, there is a current market for tribal “antiquities,” “artifacts,” and “art”, and those items often include inalienable cultural heritage items that have been misappropriated from a tribal nation; and

**WHEREAS**, auctioneers, consignors, and dealers have professional and ethical responsibilities to deal honestly with the public and to validate the ownership of any item it places for sale; and

**WHEREAS**, Articles 11, 12, 15, 18, and 31 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) declare that Indigenous peoples have a right to their cultural practices and repatriation of their ancestors and cultural items.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI), in association with its partners, denounces the continued sale, trade, and display of Native American cultural heritage items without free, prior, and informed consent by tribal nations, as these acts violate the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), other international treaties and mechanisms, certain state and federal laws, and tribal and customary laws; and

**BE IT FURTHER RESOLVED**, that NCAI supports the improvement of auctioneer professional due diligence and ethical standards based on but not limited to UNDRIP Articles 11, 12, 15, 18, and 31. To meet these professional and ethical responsibilities, auctioneers, consignors, and dealers must engage potentially affected tribal nations through official tribal government channels to determine whether cultural heritage items are rightfully on the market. Auctioneers, dealers, and collectors who are seeking to sell or display or loan items should also be accountable when seeking to sell, display, or handle cultural heritage items; and

**BE IT FURTHER RESOLVED**, NCAI opposes all forms of sale, collection, and display, or loan of cultural heritage items without the free prior and informed consent of tribal nations that is obtained through official tribal government channels; and

**BE IT FURTHER RESOLVED**, that NCAI, in association with its partners, urges collectors and auction-goers interested in purchasing Native American “artifacts” and “antiquities” to exercise cautious due diligence and to support contemporary American Indian and Alaska Native artists and their creations made for the art market and whose stories and creations are accessible and created to share; and

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

**CERTIFICATION**

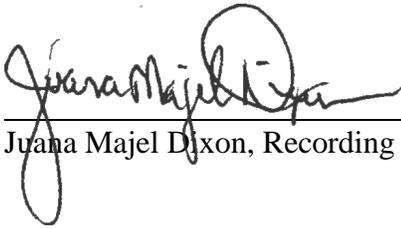
The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.



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Jefferson Keel, President

**ATTEST:**



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Juana Majel Dixon, Recording Secretary