



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #SAC-12-008

### TITLE: Support for International Repatriation

**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 member tribes, Native nations, and indigenous communities globally are facing a human rights violation whereby Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony were exhumed, excavated, stolen, exchanged, studied, or taken under duress, without the free, prior, and informed consent of Native nations and moved beyond the boundaries of Native Nations and the United States; and

**WHEREAS**, this human rights violation is perpetuated through the continued possession, display, study, or profit from our ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony; and

**WHEREAS**, the U.N. Declaration on the Rights of Indigenous Peoples has been signed by all nation-states of the U.N. and it supports international repatriation in Article 12, which states:

States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with Indigenous peoples concerned; and

**WHEREAS**, the United States has consistently supported Native nations seeking to repatriate Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony, through U.S. Congress when it passed the NMAI Act in 1989 and the NAGPRA in 1990, and international repatriation has more recently been supported by the United States in a Statement of the United States to the Working Group to Prepare the Draft American Declaration on the Rights of Indigenous Peoples and the Organization of American States in 2008, which stated:

Indigenous peoples should be able to maintain, protect, and have access to their religious and cultural sites and should have the collective right to repatriation of their human remains, ceremonial object and cultural patrimony; and

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**WHEREAS**, an estimated 1-2 million Native American ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony currently exist in international repositories; and

**WHEREAS**, Native nations are experiencing difficulty locating ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony in international repositories due to various reasons, such as misidentification, no listed cultural affiliation, lack of available records from international repositories to Native nations; and no presently existing centralized notification system to Native nations; and

**WHEREAS**, the NCAI member tribes and the national community of Native nations have prioritized the need for the investigation and implementations of legal protections to ensure the repatriation of all ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony taken, exhumed, excavated, exchanged, studied, and otherwise residing in repositories worldwide.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI hereby supports the NCAI member tribes and other Native nations in their efforts to repatriate from international repositories; and

**BE IT FURTHER RESOLVED**, that the NCAI requests that the State Department, U.S. embassies, U.S. Senators, U.S. Representatives, and other U.S. governmental bodies make themselves available to assist Native nations in international repatriations, and that the U.S. government takes immediate action after consultation with Native nations to adequately address this five hundred-year-old, ongoing human rights issue; and

**BE IT FURTHER RESOLVED**, that the NCAI will advocate on behalf of its member tribes and other Native nations to ensure international repatriation is addressed nationally and internationally; and

**BE IT FURTHER RESOLVED**, that the NCAI urges President Obama and future Presidents of the United States of American to call on Congress to address international repatriation; and

**BE IT FURTHER RESOLVED**, that the NCAI will urge the U.N. to convene a special session and implement a formalized Working Group or Subcommittee comprised of indigenous community members to formally look into this human rights issue; and

**BE IT FURTHER RESOLVED**, NCAI will work with the Association on American Indian Affairs (AAIA) and other organizations to collaborate with Native nations in support of international repatriation; 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 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.

  
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President

**ATTEST:**

  
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Recording Secretary