



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PHX-16-023

TITLE: Support for the Standing Rock Sioux to Protect its Lands, Waters, and Sacred Places

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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, 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, Indian tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian lands; and

WHEREAS, the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, further acknowledges the sovereign status of tribal; and

WHEREAS, the Standing Rock Indian Reservation was established as a permanent homeland for the Hunkpapa, Yanktonai, Cuthead and Blackfoot bands of the Great Sioux Nation; and

WHEREAS, the Standing Rock Sioux Tribe depends on the Missouri River as its sole water sources as well as for public health, general welfare, and sustainability of the Standing Rock Indian Reservation; and

WHEREAS, the Dakota Access Pipeline poses a serious risk to the Missouri River and the Standing Rock Sioux Tribes ability to provide a livable homeland for its people; and

WHEREAS, the horizontal direction drilling in the construction of the pipeline would destroy valuable cultural resources and sacred places of the Standing Rock Sioux Tribe; and

WHEREAS, the lack of true government-to-government consultation with the Standing Rock Sioux Tribe and other tribes with ties to the land surrounding the Missouri River is a failure of the federal government's trust responsibility; and

WHEREAS, all of Indian Country is standing in solidarity with the Standing Rock Sioux Tribe; and

WHEREAS, NCAI has authorized a joint initiative for the protection of Sacred Places, #TUL-13-007, whose mission fits within the goals, policies and opinions of the NCAI, as expressed in previous resolutions concerning sacred places, including those numbered #ATL-14-087, Calling for Federal Entities to Take Actions on Sacred "Sites" Memorandum of Understanding; #ATL-14-032, Calling for Protection of Native Peoples' Sacred Places, Sacred Objects and Ancestors under United States, Native Nations and International Law, Policy, and Practice; #PHX-08-069C, NCAI Policy Statement on Sacred Places; #REN-13-030, Calling for Enhancement of Authorities and Opportunities to Pursue the Recovery and Protection of Sacred Sites and Sacred Objects; #LNK-12-023, Calling for Federal Investigation of Observance of Federal Trust Responsibility to Protect Native American Ancestral Lands and Cultural Resources; and #ABQ-10-065, Calling for Legislation to Provide a Right of Action to Protect Native Peoples' Sacred Places; and

WHEREAS, on December 4, 2012, the Departments of Agriculture, Defense, Energy and Interior and the Advisory Council on Historic Preservation agreed by Memorandum of Understanding to work collaboratively until December 31, 2017, to address the protection of and Indian access to sacred places, including "making recommendations to address impediments to the protection of sacred sites," but have not used the MOU to protect any sacred places to date, and have not addressed impediments to the protection of sacred places, including the sacred places that have been destroyed or are threatened by the Dakota Access Pipeline; and

WHEREAS, the NCAI is deeply concerned about the protection of Native Peoples' sacred places, sacred objects and ancestors, wherever they are located or held, within or outside the United States, by whatever person(s) or entity(ies), and is unconditionally opposed to their desecration or dispossession, and to any adverse impact, damage, endangerment, injury or threat to them.

NOW THEREFORE BE IT RESOLVED, that National Congress of American Indians supports the Standing Rock Sioux Tribe's legal, administrative, and legislative efforts to halt construction of the pipeline to ensure the protection of its waters, lands, and sacred places; and

BE IT FURTHER RESOLVED, NCAI calls upon the Administration to deny the easement request to drill under Lake Oahe and do a full Environmental Impact Statement; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Department of Justice, the Department of the Army, and the Department of the Interior to follow up on the joint statement released on September 9, 2016 to: (1) do a full review and reconsideration of the decisions by the U.S. Army Corps of Engineers with full, meaningful consultation with the Standing Rock Sioux Tribe and other Missouri River tribes consistent to the true government-to-government relationship; and (2) engage Indian Country in government-to-government consultation to determine what can be done to ensure early, consistent, and meaningful tribal consultation and a significant role in the planning of projects that could impact tribal lands, resources, and sacred places, and work with

Indian Country in a true partnership to determine the necessary legislative and administration changes ensure this never happens again to any tribe; and

BE IT FURTHER RESOLVED, that in carrying out this resolution we remain in peace and prayerful and Indian Country's first concern is for the safety of the peaceful protectors, law enforcement officers, government officials, and workers in Cannon Ball, ND, and any act of violence is unwelcome; and

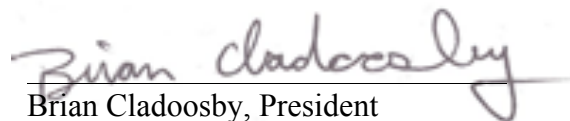
BE IT FURTHER RESOLVED, that NCAI calls on the federal signatories to the MOU to abide by the commitments they made in the MOU in all the subject areas related to sacred places and to propose and implement only after extensive tribal consultation, meaningful policy changes that preserve and protect sacred places and Native Peoples' rights to access and use them in accordance with traditional practices in original territories and without intimidation or penalty, including the sacred places affected by the Dakota Access Pipeline; and

BE IT FURTHER RESOLVED, that the NCAI renews its calls for the U.S. Congress to amend the American Indian Religious Freedom Act or to pass free-standing legislation to establish a statutory right of action of the kind described 26 years ago by the U.S. Supreme Court, or to set forth a process to return and otherwise protect Native Peoples' sacred places; 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 2016 Annual Convention of the National Congress of American Indians, held at the Phoenix Convention Center, October 9 to October 14, 2016, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary