



**International Indian Treaty Council**  
**Consejo Internacional de Tratados Indios**  
2940 16th Street, Suite 305, San Francisco, CA 94103 (415) 641-4482  
456 N. Alaska Street Palmer, AK 99645 (907) 745-4482



**INTERNATIONAL INDIAN TREATY COUNCIL**  
**38<sup>th</sup> ANNUAL CONFERENCE**  
**SANTO DOMINGO TOMALTEPEC, MEXICO**  
**OCTOBER 1<sup>ST</sup> – 4<sup>TH</sup>, 2012**  
**“GUENDARO STINU, NGA GUENDANABANINU”**  
**“OUR FOOD IS OUR LIFE”**

**Resolution on Sacred Places, Cultural Rights and Spirituality**

**The delegates at this conference representing Indigenous Peoples from North, Central, and South America, the Caribbean and the Pacific, adopt by consensus the following resolution to defend the Rights of Indigenous Peoples:**

1. Wherever Indigenous Peoples have put their feet on the ground is sacred. All that has been given to us by the Creator is sacred. Land, air, food, water, earth and fire are sacred and we as Indigenous and non-Indigenous peoples need them to sustain our lives. We demand that our lands, waters, sacred sites, and territories be kept safe, be respected and protected, to be used in accordance with our traditions, protocols, teachings, culture and spirituality.
2. IITC recognizes the urgent need to address the crisis facing Indigenous Peoples in many regions of the world regarding their sacred places, cultural practices and spirituality, including threats to and destruction of their sacred structures, ceremonial sites, objects, ancestral remains, birthing places, food and medicinal gathering areas and sacred items.
3. IITC fully endorses all previous IITC resolutions respecting sacred places, culture and spirituality.
4. With respect to sacred sites and places, IITC endorses the inclusion of seas, oceans, rivers, springs and other water bodies as sites of sacred, cultural and spiritual significance to Indigenous Peoples and thereby includes such water bodies in the implementation of past IITC resolutions pertaining to sacred places.
5. IITC calls on the United Nations, other international processes and mechanisms, as well as States (countries), all levels of internal governance and regulation, transnational corporations and other non-Indigenous entities to fully implement the *UN Declaration on the Rights of Indigenous Peoples*, and ensure that their laws, legislation, policies, guidelines and operating practices comply with the UN Declaration protecting sacred sites, cultural heritage and practices, including Articles 11, 12, and 25 as follows:

**Article 11**

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### **Article 12**

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. 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.

#### **Article 25**

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

6. We affirm past resolutions of IITC regarding San Francisco Peaks in Northern Arizona, USA. IITC will continue to work with impacted Indigenous Nations to address relevant concerns to the Committee on the Elimination of Racial Discrimination (“CERD”) procedures including the Urgent Action review of the US on this matter to take place in February of 2013, as well as the CERD’s upcoming country review of the United States projected for August of 2013. We express our appreciation to the CERD for taking on this issue, and we commit to continue our work in support of Tribal Nations in this regard.
7. With respect to the upcoming review of the United States by the CERD in 2013, IITC will also undertake to raise the important issue of Sweetgrass Hills sacred area encompassing the border between the US and Canada, which impacts many Indigenous Peoples, Nations and Tribes. IITC is concerned about extractive industry explorations conducted on or near this site. While there is currently a moratorium on such development we remain concerned that new technology used by extractive industries will create another avenue for development threatening this sacred area. IITC will request information from the affected Tribal

- communities for submission to the CERD calling for the ongoing protection of the sacred site of Sweetgrass Hills by the United States.
8. IITC will support the Musgokee Cree Nation of Oklahoma USA in their efforts for the protection of their ancestral sacred ceremonial and burial grounds known as Hickory Grounds (OCE VPOFA) and will assist them to address this issue at UN bodies upon their request.
  9. With particular concern for the situation of the Taino Peoples of the Caribbean Region and their ancestral burial grounds and remains, IITC calls upon states such as Mexico, the United States and others, including their regional or local governments, to work with Taino and all other Indigenous Peoples with full partnership with respect to decision-making processes respecting the protection of such sites and ancestral remains and the appropriate return of all remains to Indigenous Peoples. IITC denounces the continuing treatment of Indigenous ancestral burial grounds and ancestral remains as trophies of colonialism in the custody of State governments. IITC will continue to provide support to the Taino and other Peoples for protection of burial grounds and sacred sites and the respectful return of all ancestral remains.
  10. IITC also denounces the ongoing violation, desecration and destruction of sacred sites, water ways, places of cultural and spiritual significance, including traditional food gathering and production areas, resulting from urbanization, extractive industries, proliferation of persistent organic pollutants, pesticides, mercury contamination, GMO seeds and other forms of unsustainable development.
  11. IITC notes in particular the increasing threats of hydraulic fracturing, geo-thermal development and the wide ranging destructive impacts on Indigenous sacred sites including Medicine Lake on Mt. Shasta in Northern California which is essential to the cultural practice and identity of the Pit River, Modoc, Wintu and other Indigenous Nations of the region. IITC will continue to stand firm with these Indigenous Peoples to oppose any further destruction of this sacred area.
  12. IITC continues to condemn the ongoing invasive and disrespectful tourism industries that are operating in or around sacred sites of Indigenous Peoples. IITC notes that such tourism operations have negatively impacted Indigenous Peoples, who in some instances are prevented rightful access to sacred places to conduct ceremonies and continue the vital sacred relationship(s) with those places.
  13. IITC will work with Indigenous communities, including the Yaqui Peoples of Sonora Mexico, to recognize and commemorate places where their ancestors were massacred and properly acknowledge and commemorate the places where our Peoples fell in resistance to colonization.
  14. IITC will explore avenues of advocacy within the United Nations Educational, Scientific and Cultural Organization (UNESCO), with particular regard to sacred sites, cultural rights and spirituality. These include the implementation in conjunction with Indigenous Peoples of UNESCO Conventions such as the Convention for the Safeguarding of Intangible Cultural Heritage, the World Heritage Convention, the Convention for the Preservation of Underwater Cultural Heritage, and many other conventions and standard setting instruments.

15. IITC will work to promote the protection of sacred medicines and medicine gathering areas, as well as the respect for and protection of Indigenous sacred medicines and healing practices.

*Adopted by Consensus October 3<sup>rd</sup>, 2012, Santo Domingo Tomaltepec, Mexico*