



**INTERNATIONAL INDIAN TREATY COUNCIL  
40<sup>th</sup> ANNUAL CONFERENCE  
PHILLIP DEERE FAMILY ROUNDHOUSE  
OKEMAH OKLAHOMA  
SEPTEMBER 10<sup>TH</sup> – 12<sup>TH</sup>, 2014**

**Resolution on the Protection of Sacred Areas, Cultural and  
Spiritual Rights**

**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. We reaffirm that 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. The International Indian Treaty Council (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 areas, 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 areas.

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 areas, cultural heritage and practices, including Articles 1, 2, 3, 5, 6, 7, 10, 12, 13, 19, 24, 25, 27, 28, 29, 31, 33, 34, 35 and 37 as follows:

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status pursue their economic, social and cultural development.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide

or any other act of violence, including forcibly removing children or the group to another group.

#### Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

#### Article 12

1. Indigenous peoples have the right to manifest, practice, 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 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

#### Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

#### Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital

medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

#### 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.

#### Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

#### Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

#### Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measure to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

#### Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

#### Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

#### Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions procedures, practices and, in the cases where they exist, juridical systems or custom, in accordance with international human rights standards.

#### Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

#### Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

6. We affirm all past resolutions of IITC regarding support for Indigenous Peoples and Nations currently involved in protecting and defending their sacred areas from desecration. IITC will continue to work with impacted Indigenous spiritual leaders and Nations to address the cases presented to the Committee on the Elimination of Racial Discrimination (CERD) and Human Rights Committee (HRC) including follow up to the reports submitted to these Treaty bodies for their reviews of the US in March and August 2014 addressing Sacred Areas and Cultural Rights. IITC commits to continue our work in support of these struggles based on the direction of the impacted spiritual leaders, Nations and societies.
7. IITC affirms its support for the Traditional Musgokee (Creek) Nation Spiritual leaders and chiefs (Mekkos) in their efforts to protect their ancestral sacred ceremonial and burial ground known as Hickory Grounds (OCE VPOFA) and will support their efforts for the return of all remains and their associated funerary objects and to restore Hickory Grounds back to its natural state. IITC will continue to assist them to address this issue at various UN bodies upon their request and based on their instructions.
8. IITC call upon states such as Mexico, the United States and others, including their regional or local governments, to work with Taino Peoples of the Caribbean Region and all other Indigenous Peoples with regarding protection of their ancestral burial grounds and remains in full partnership with respect to decision-making processes respecting the protection of such sites and ancestral remains and the appropriate return of all remains by the impacted 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.
9. 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.

10. IITC addresses in particular the increasing threats of hydraulic fracturing, geo-thermal development and the wide ranging destructive impacts on Indigenous sacred sites including the Sacred Medicine Lake Highlands on Mt. Shasta in Northern California USA which is essential to the traditional and cultural ways 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.
11. IITC calls upon states such as the United States, Mexico and Sweden, including their regional or local governments, to work with Yaqui Peoples regarding the repatriation of ceremonial and funerary objects, including the return of a sacred ceremonial Maso Quvvoa (sacred ceremonial deer head) currently held by the government of Sweden in its National Museum in Stockholm.
12. IITC will explore avenues of advocacy within the United Nations Educational, Scientific and Cultural Organization (UNESCO), with particular regard to sacred sites, cultural rights, ancestral remains, ceremonial items and places spiritual significance. This shall include implementation of UNESCO Conventions and program areas such as world heritage, intangible cultural heritage, heritage at risk, the diversity of cultural expressions, museums, culture for sustainable development, arts and artists, and any other relevant program areas or implementation of existing Conventions.
13. Finally, IITC will continue to advocate for the development of international protocols and standards to ensure full and effective implementation of Article 12 of the UN Declaration on the Rights of Indigenous Peoples regarding the return of all ceremonial objects and human remains being held in any country without the free prior and informed consent of the impacted Indigenous Peoples.

***Adopted by Consensus September 12<sup>th</sup> 2014,  
Okemah Oklahoma***