

Indigenous Sacred Places and Cultural Protections Free, Prior and Informed Consent

Native Nations and Indigenous Peoples have been here since time immemorial. We stand together to protect our sacred places, medicines, burials, ancestors, cultural items, and ceremonial ways, and to ensure Indigenous voices and representation lead in these important matters pertaining to our rights, freedoms, and ways of life. They represent a sacred duty and traditional law, which are indigenous to these lands.

This is an era of examining racial injustice and climate change. The authority of Native Nations, traditional societies, ceremonial grounds, and Indigenous spiritual leaders must be recognized in these most important matters regarding the protection of sacred places and Indigenous ways of life. In doing so, the United States should adopt policies, procedures, regulations and laws centered upon Indigenous free, prior, and informed consent, as the urgency for equality of our peoples persists to prevent the ongoing losses experienced by our populations.

Tribal consultation is not enough. Over the years, while meaningful tribal consultation provided procedural steps in some instances to mitigate damage to our sacred places, it was also used as a cudgel to end federal responsibility. This led to the ultimate destruction of our sacred places. Within the contexts of racial justice, civil rights, and human rights, the harms done to our sacred places, Ancestors, and cultural ways of life violate our natural and constitutional rights, natural and spiritual laws, human rights, and individual freedoms. These harms have taken an immeasurable toll on the health, safety, welfare, self-determination, and well-being of our Peoples. This caused drastic and intergenerational trauma, sickness, loss, and death. It is time we speak these truths and that the United States engage in a Truth and Reconciliation process of its treatment of Indigenous Peoples, our sacred places, and our cultural ways of life, and adopt Indigenous consent-based practices.

Consent is Indigenous to these lands and free, prior and informed consent must become the foundational basis of federal relations with Indigenous Peoples. In doing so, we make the following recommendations, as a starting point, for President Biden's administration:

- The adoption of free, prior and informed consent of Native Nations, traditional societies, ceremonial grounds, and Indigenous spiritual leaders as a principle that guides sacred places and cultural protection in policies, regulations, agencies, and the law.
- Equal distribution of authority in public lands management and administration with Native Nations, traditional societies, ceremonial grounds, and Indigenous spiritual leaders.
- The development of Indigenous data governance structures with the free, prior and informed consent of Native Nations, traditional societies, ceremonial grounds, Indigenous spiritual leaders, and Indigenous Peoples to protect culturally sensitive information, Indigenous knowledge, and Indigenous intellectual and cultural property rights.
- Recognition of Native Nations, traditional societies, ceremonial grounds, Indigenous spiritual leaders, and Indigenous Peoples as experts of our own culture, of sacred places, of our burial places, and on all cultural matters.
- Honoring and upholding the treaty rights and inherent sovereignty of Native Nations.

- Acknowledgement that sacred lands and waterways have inherent and natural rights, and should have the same rights as a person.
- Enacting full protections for sacred places, including, but not limited to: Arctic National Wildlife Refuge, Bear Butte, Bears Ears, Black Hills, Coldwater Springs, Greater Chacoan Landscape, Mauna Kea, Menominee River & Sixty Islands Area, Missouri River, Nantucket Sound, Oak Flat & Apache Leap, Pipestone National Monument, San Francisco Peaks, Serpent Mound, Wind Cave National Park, and all other sacred places.
- Eliminate the threats to sacred places from pollution and harm, such as destructive practices from extractive industries, including: Back Forty Mine, Pebble Mine, Keystone XL Pipeline, Dakota Access Pipeline, Mariner East Pipeline, Rio Tinto, Enbridge Line 5 and Line 3, Shasta Dam, and other harmful industry and practices to Indigenous sacred places.
- Investigate and stop the devastating effects that extractive industry development have on Indigenous women, including physical and sexual violence (rape, sexual assault, sexual assault of minors, and sex trafficking), resulting from Man Camps and dramatic increases in population without sufficient law enforcement. Not only are these horrific crimes against women, but they violate the sanctity of our sacred places.
- Hold a meeting between Indigenous spiritual leaders and the President to discuss responsibilities and necessary actions for sacred places protection, global climate change, and racial justice.
- Update Executive Order 13175 to include: “free, prior and informed consent” of Native Nations, traditional societies, ceremonial grounds, and Indigenous spiritual leaders; require agency-wide education of Native Nations, Indigenous Peoples, and all laws that pertain to sacred places protection and repatriation; and require inter-agency and intra-agency coordination of federal laws pertaining to sacred places protection, repatriation, and Indigenous cultural practices.

These principles in sacred places protection are a beginning and certainly not exhaustive, as the experiences, testimonies, and recommendations of each Native Nation and its Peoples should be gathered in hearings on Sacred Places and Cultural Protections held throughout the United States with specific intent to uncover these atrocities, address racial injustice, and adopt Indigenous consent-based policies, practices, and laws.