

## **RESOLUTION PHX-96-118**

### **TITLE: Intellectual & Cultural Property Rights**

**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 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 welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local tribal concerns; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

**WHEREAS**, the most precious resource of our existence as indigenous peoples is the preservation and protection of our cultural and intellectual property rights; and

**WHEREAS**, indigenous peoples are capable of managing their traditional knowledge themselves and have the inherent and sovereign right to define and control this knowledge; and

**WHEREAS**, Native peoples are the guardians of their customary knowledge and have the right to protect and control dissemination of such knowledge; and

**WHEREAS**, existing mechanisms are insufficient for the protection of Native peoples cultural and intellectual property rights; and

**WHEREAS**, existing mechanisms are insufficient for the protection of Native peoples cultural and intellectual property rights; and

**WHEREAS**, cultural and intellectual property right of indigenous peoples are vested with those who developed, still practice and have survived by the use of intellectual and cultural achievements representing thousands of years of living, observations, and research.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians declare that a moratorium be declared on the discrimination and

exploitation of indigenous peoples through the unauthorized use, usurpation, exploitation and commercialization of medical plants, flora and fauna, languages, belief systems, ceremonies, songs, stories, oral histories, sacred sites, symbols of all forms of Native art, the depiction of sacred objects of knowledge, communities have developed laws and appropriate protection mechanisms for these or any other tribally defined cultural or intellectual property; and

**BE IT FURTHER RESOLVED**, that the National Congress of American Indians will support tribes at tribal request in the development of cultural and intellectual property laws and codes to be persevered for future generations; and

**BE IT FURTHER RESOLVED**, that the National Congress of American Indians will deliver this resolution to the Department of Commerce, Department of the Interior, and all other affected federal and executive agencies so they may adopt and strengthen appropriate policies or legal instruments that will protect indigenous intellectual and cultural property; and

**BE IT FURTHER RESOLVED**, that the National Congress of American Indians will urge Congress to develop and enact necessary and protective laws against these disrespectful and explicative practices.

#### **CERTIFICATION**

The foregoing resolution was adopted at the 1996 Annual Convention of the National Congress of American Indians, held at the Phoenix Civic Plaza in Phoenix, Arizona, on October 20-25, 1996 with a quorum present.

W. Ron Allen, President

**ATTEST:**

Lela Kaskalla, Recording Secretary

Adopted by the General Assembly during the 1996 Annual Convention held at the Phoenix Civic Plaza in Phoenix, Arizona on October 20-25, 1996