



WHITE MOUNTAIN APACHE TRIBE

*A Sovereign Nation Exercising Self-Governance
Over the Fort Apache Indian Reservation*

Resolution No. 03-2013-56

(Designating Ramon Riley to Represent Tribe in NAGPRA matters)

WHEREAS, the Tribal Council of the White Mountain Apache Tribe ("Tribe") is entrusted by the Tribe's Constitution to act in all matters that concern the welfare of the Tribe, to manage all economic affairs and enterprises of the Tribe, and to regulate subordinate organizations for economic and other purposes; and

WHEREAS, the National Historic Preservation Act of 1966, the National Environmental Policy of 1966, the American Indian Religious Freedom Act of 1978, the Archaeological Resources Protection Act of 1979, the National Museum of the American Indian Act (NMAIA) of 1989, the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990, amendments thereto, and various other Federal, Tribal and state laws promote the preservation of items, places, customs, and beliefs whose significance derives primarily from the culture of American Indian Nations, including the Apache nations; and

WHEREAS, these laws, in general, and NAGPRA and NMAIA, in particular, create important and unprecedented opportunities for cooperation among Apache tribes; and

WHEREAS, the abuse, destruction and misappropriations of Apache culture, history, sacred places, and objects, cultural property, religious freedoms and cultural rights continues in spite of constitutional and statutory protections guaranteed by the United States of America; and

WHEREAS, the White Mountain Apache Tribe together with the Jicarilla Tribe, the Mescalero Apache Tribe, the San Carlos Apache Tribe, the Camp Verde Yavapai Apache Tribe, the Payson Tonto Apache Tribe, the Apache Tribe of Oklahoma and the Fort Sill Apache Tribe have established an Inter-Apache Policy on Repatriation and the Protection of Apache Cultures for the purpose of fostering unity, cooperation and collaboration among the federally recognized Apache Tribes in respect to all aspects of cultural protection and repatriation; and

WHEREAS, the authority to represent the Tribe in NAGPRA matters has been vested in Ramon Riley by established tribal policies and procedures; and

WHEREAS, the Tribal Council acknowledges the importance of the Western Apache NAGPRA Working Group encourages the participation of Ramon Riley in the All-Apache NAGPRA Working Group; and

WHEREAS, the Tribal Council finds that the Tribe's continued association with the All-Apache NAGPRA Working Group is in the best interest of the Tribe in assisting with resolving issues related to NAGPRA.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby designates Mr. Ramon Riley to represent the White Mountain Apache Tribe in meetings involving the Native American Graves Protection and Repatriation Act.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby endorses the revisions the All-Apache NAGPRA Working Group is making to the "Inter-Apache Policy on Repatriation and the Protection of Apache Cultures."

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes Ramon Riley to sign the revised "Inter-Apache Policy on Repatriation and the Protection of Apache cultures" on behalf of the White Mountain Apache Tribe.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, this Resolution shall be declared null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Acting Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution. In the event that the Chairman fails to delegate signatory authority to an Acting Chairman, the Vice-Chairman may sign.

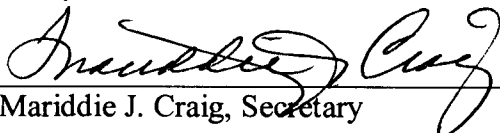
The foregoing resolution was on **MARCH 13, 2013** duly adopted by a vote of **EIGHT** for and **ZERO** against and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (g), (h), (k), (s), (t) and (u) of the Tribal Constitution, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Ronnie Lupe, Chairman

3/18/13

Date



Mariddie J. Craig, Secretary

03/18/2013

Date

Ndee Ilahík'ai / Nnee Ilahík'ai
(Apache People Joining Together)

Inter-Apache Policy on Repatriation and the Protection of Apache Culture

Opening Statements

1. The Jicarilla Apache Tribe, the Mescalero Apache Tribe, the San Carlos Apache Tribe, the Fort Sill Apache Tribe, the Tonto Apache Tribe, the Yavapai-Apache Nation, the Apache Tribe of Oklahoma, the Tonto Apache Tribe, and the White Mountain Apache Tribe are sovereign Apache nations who recognize their inherent right to self-determination, and their responsibility as protectors of previous and future Apache nations.
2. The Apache Tribes strive for a state of Gózhó – a state of beauty, balance, and harmony between the natural world, our communities, and ourselves. The Apache Tribes recognize that repatriating our cultural items and safeguarding our cultures are a part of attaining a state of Gózhó.
3. The Apache Tribes are bound and obligated to follow their traditional laws to appropriately treat their cultural items, cultural property, cultural rights, and religious freedom.
4. There are many federal laws, executive orders and international declarations that promote the preservation of Native items, places, customs, and beliefs, and the Apache Tribes will work to ensure that the US government abides by these (a list of the major laws, Executive Orders, and Declarations can be found in Appendix A).

Resolution

We, the undersigned, do hereby unite in agreement on, and commitment to, the purposes, definitions, principles, and processes set forth in this document.

Purposes

The Apache Tribes will:

1. Work together to repatriate our cultural items and protect our cultural and intellectual properties.

2. Halt all inappropriate treatment of Apache cultural property whenever possible, and safeguard Apache culture, history, cultural items, holy sites and items, intellectual property, religious freedoms, and cultural rights.
3. Secure financial and other material support to accomplish these goals.

Definitions

1. **Cultural items** are human remains, funerary objects, *sacred* [and *holy*] objects, and objects of cultural patrimony, as defined by NAGPRA.
2. **Cultural property** includes all *cultural items* as well as all images, texts, ceremonies, music, songs, stories, symbols, beliefs, customs, ideas, intellectual property, and other tangible and intangible physical and/or spiritual places, objects, concepts, and living things inalienably linked to the history and culture of Apache people.
3. **Sacred** means *Dilzii'* or *Dilzihíí*, which is defined as that which is reverently respected, usually in a ceremonial context.
4. **Holy** means *Godiyi'*, *Godiyhíí*, or *Godiyj*, which is defined as that which is alive by being imbued with power from the Creator or Holy Beings.
5. **Repatriation** means to get cultural items back from institutions or individuals.

Principles

1. Apache cultural property, including cultural items, may be affiliated with more than one Apache Tribe or lineal descendent.
2. It is best to follow traditional Apache guidelines and practices in all phases of the repatriation of Apache cultural items.
3. Conflicts regarding repatriation with institutions or individuals must be carried out in a respectful and responsible manner.
4. We will actively work to educate our communities about our traditional culture and the state of Gózhó, and to actively work to instill our community members with respect for themselves and the natural world.
5. We object to the possession, public exhibition, scientific study, destructive analysis, or inappropriate use of Apache cultural property, except when essential to a criminal investigation, or expressly permitted by the affected tribe(s); and we will fully support efforts to counter such inappropriate uses.

Process

1. In order to bring about repatriation of Apache cultural items and the protection of cultural property, we will share cultural and historical information, funding, and technical expertise.

2. To facilitate repatriation of appropriate Apache cultural items, we agree to:
 - a) Identify all Apache cultural property that is inappropriately treated;
 - b) Gather information about this property; and
 - c) Share this information with each other.
3. To implement this Policy, the Apache Tribes declare that:
 - a) We have the exclusive right to determine the custody and disposition of Apache cultural property.
 - b) We have a legal interest in all cultural property originating within our traditional lands.
 - c) We expect all institutions to return Apache cultural items, and to bear responsibility for the entire costs of the repatriation of such items.

Terms

1. This policy may be amended at any time by agreement of a majority of the signatory tribes.
2. Any signatory may withdraw from this policy at any time by written notice from its elected leader.
3. This policy shall remain in effect in perpetuity.

By the signatures of the Apache repatriation representatives given below, the signatory Tribes hereby approve this agreement and adopt this Policy.

Done this day of May, 2013, at Hon-Dah, Fort Apache Reservation, Arizona.

Apache Tribe of Oklahoma

Date

Fort Sill Apache Tribe

Date

Mescalero Apache Tribe

Date

Jicarilla Apache Tribe

Date

White Mountain Apache Tribe

Date

San Carlos Apache Tribe

Date

Tonto Apache Tribe

Date

Yavapai-Apache Nation

Date

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Appendix A

List of Major Federal Laws, Executive Orders, and International Declarations that Promote the Protection of Native Cultural Properties

The American Antiquities Act of 1906
The Archaeological Resources Protection Act of 1979
The National Environmental Policy Act of 1969
The National Historic Preservation Act of 1966
The American Indian Religious Freedom Act of 1978
The Native American Graves Protection and Repatriation Act of 1990
The National Museum of the American Indian Act of 1989 (as amended 1996)
The Endangered Species Act of 1973
The Archaeological and Historic Preservation Act of 1974
The Native American Language Act of 1990
The Historic Sites Act of 1935
Executive Order 13007, Protection of Indian Sacred Sites (1966)
Executive Order 11593, Protection and Enhancement of the Cultural Environment (1971)
Executive Order 13287, Preserve America (2003)
1970 UNESCO Convention on the Means of Prohibiting the Illicit Import, Export, and Transfer of Ownership of Cultural Properties
The United Nations Declaration on the Rights of Indigenous Peoples, December 13, 2007.