



Resolution of the Traditional O'odham Leaders O'odham in Mexico

Resolution No. 2019-01

Cedagi Wahia/

Pozo Verde

Wo'osañ/

El Bajio

Kom Wahia/

Cumalito

Ku Wahia/

Cubabie

Cu:wi I-gersk/

San Francisquito

Nepodagk/

Represso Enrique

Wa:pk/

Carrizalito

Soñ Oidag/

Sonoyta

Wa:k/

Quito Vac

Nolik/

Las Norias

S-cuk Su:dagi/

Pozo Prieto

Totssagi/

Rancho Espuma

A:l Pi'ckin/

Pitiquito

Hodai Ke:k/

Puerto Peñasco

Ka:wolk/

Caborca

Ge'e Pi'ckiñ/

Hermosillo

Whereas, The Tohono O'odham and our ancestors have inhabited lands from the Gila River area in present-day Arizona south to the Sea of Cortez in Northern Mexico from time immemorial. Our traditional territory (Jewed) encompasses lands now considered Organ Pipe Cactus National Monument, Cabeza Prieta National Wildlife Refuge and the Biospheres of Pinacate and Gran Altar Desert, among many other areas;

Whereas, in 1854 the United States created an international boundary with Mexico that cuts through Tohono O'odham lands. The Tohono' O'odham have experienced the negative consequences of this imposed border for generations. Now, under U.S. President Trump these issues have escalated into a push to build a solid border wall across traditional O'odham lands;

Whereas, The Tohono O'odham Legislative Council passed a formal resolution opposing the construction of a border wall on February 8, 2017 (Resolution NO. 17-053). The resolution condemned the Trump administration's plans to build a border wall on the grounds that a wall would prevent Tohono O'odham members from making traditional border crossings for ceremonial and religious purposes, prevent wildlife from conducting migrations essential for their survival, a wall would destroy the sacred saguaro cactus and other culturally significant plants, among many other reasons;

Whereas, the ceremonial salt pilgrimage is a central part of the O'odham himdag that has occurred since time immemorial. The salt pilgrimage passes through lands now considered the Organ Pipe Cactus National Monument, the El Pinacate-Gran Desierto de Altar Biosphere Reserve, and the Alto Golfo del California Biosphere Reserve. In November 2007 Tohono O'odham Legislative Council passed a formal resolution affirming unlimited and unrestricted access to these sacred sites in the U.S. and Mexico for traditional purposes like the ceremonial salt pilgrimage (Resolution 07-714);

Whereas, On May 6, 2019, the United States Department of Homeland Security announced that it intends to construct at least 44 miles of border walls across traditional Tohono O'odham lands, including through Organ Pipe Cactus National Monument and Cabeza Prieta National Wildlife Refuge, where the path of the ceremonial salt pilgrimage crosses the border;



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Whereas, On May 15th, without consulting with the Tohono O'odham or obtaining tribal approval, the U.S. Department of Homeland Security issued a \$646,000,000 construction contract to build border walls through these areas. That same day, the Trump administration waived 41 American laws that would normally apply, including the Native American Graves Protection and Repatriation Act and the American Indian Religious Freedom Act. The Tohono O'odham Legislative Council has formally condemned attempts to waive these and other laws under Resolution NO. 17-053. Waivers of laws like these are significantly detrimental to indigenous peoples and clearly signals that the U.S. government has no interest in preserving our heritage, culture, environment or way of life;

Whereas, Building a border wall through Organ Pipe Cactus National Monument and Cabeza Prieta National Wildlife Refuge would cut across the route of the ceremonial salt pilgrimage and damage Quitobaquito spring, a sacred desert oasis used during the pilgrimage. The plans for this wall would make it impossible to carry out the salt ceremony and threaten to end this sacred tradition forever;

Whereas, The Traditional O'odham Leaders in Sonora, Mexico, previously recognized by the T.O.N. Legislative Council in six resolutions prior, with the most recent being Res. 18-049, as the official representatives to the Tohono O'odham Nation for the O'odham in Mexico;

Whereas, The Traditional O'odham Leaders hereby oppose the border wall construction in traditional O'odham lands known as Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge and the historic O'odham lands, due to the severe harm these border walls would cause to our sacred traditions, our environment, and our way of life, we call for the immediate opposition and all efforts to disallow the building of a border wall;

Whereas, We recognize and act to uphold Articles 10, 12, 25, 26, 27, 30, and 32 of the United Nations Declaration of the Rights of Indigenous Peoples (2007) which state three principles:

- 1) The right to inhabit and use traditional lands.



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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 26, Section 1: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Article 26, Section 2: Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

2) The right to exercise the religious relationship with the land.

Article 12, Section 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.

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.

3) The right to prior consultation and consent.

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 30, Section 2: States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 32, Section 2: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their



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free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Now therefore be it resolved that, the Traditional O'odham Leaders observe and declare that the federal government of the United States is violating these three principles through the imminent proposed construction of a border wall through Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge and the historic O'odham lands.

Be it further resolved that, building a border wall through Organ Pipe Cactus National Monument and Cabeza Prieta National Wildlife Refuge would cut across the route of the ceremonial salt pilgrimage and damage Quitobaquito spring, a sacred desert oasis used during the pilgrimage. The plans for this wall would make it impossible to carry out the salt ceremony and threaten to end this sacred tradition forever;

Be it finally resolved that, the Traditional O'odham Leaders hereby oppose the border wall construction in traditional O'odham lands known as Organ Pipe Cactus National Monument, the Cabeza Prieta National Wildlife Refuge and the historic O'odham lands, due to the severe harm these border walls would cause to our sacred traditions, our environment, and our way of life, we call for the immediate opposition and all efforts to disallow the building of a border wall.

The foregoing Resolution was passed by the Traditional O'odham Leaders on June 16 in the Month of June, 2019 at which a majority of the Leaders were present and approved this resolution.

Verlon Jose, Governor
Traditional O'odham Leaders

Attest: