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The National Congress of American Indians Resolution #SEA-25-009

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TITLE: Requiring Free Prior and Informed Consent by Corporations, Companies, State and Federal Government Agencies Across the United States, and Globally

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 the inherent sovereign rights of our Indian nations, 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 and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, Free Prior and Informed Consent (FPIC) is an international human rights standard that affirms the inherent sovereignty and self-determination of Indigenous Peoples, ensuring that no action affecting their lands, territories, resources, cultures or livelihoods proceeds without their freely given consent; and

WHEREAS, Tribal Nations retain the inherent right to self-governance, control over their lands, resources, and cultural heritage, and the ability to make decisions that impact their homelands and treaty territories where Indigenous Peoples maintain the right to hunt, fish, and gather; and

WHEREAS, FPIC affirms that Tribal Nations retain the right to determine their development priorities and exercise self-determination in accordance with their cultural, social, economic, and political systems, in accordance with the United Nations Declaration on the Rights of Indigenous People (UNDRIP); and



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WHEREAS, the principle of FPIC is supported by the United Nations and is affirmed in the UNDRIP as well as recognized by the international community as the minimum standard for survival, dignity, and well-being of Indigenous Peoples worldwide, for which the United States has formally expressed support; and

WHEREAS, FPIC requires that consent must be given voluntarily, without coercion, intimidation, or manipulation, and consent must be sought and at the earliest contemplation of a project, before any decision or action is taken and throughout the lifespan of the project when such action that may impact the rights, lands, resources, or livelihoods of Indigenous Peoples, and such consent must be based on accurate and accessible information provided in a language and format that is understandable and culturally appropriate to the intended audience with the consent being explicit, specific, and documented, reflecting the genuine agreement of the affected Indigenous Peoples, taking into account that such consent can be revoked at any time; and

WHEREAS, FPIC must be obtained for all activities, projects, and initiatives that impact Indigenous Peoples rights, lands, resources, and livelihoods; and

WHEREAS, ensuring FPIC is utilized in any project impacting Indigenous Peoples prioritize the inherent rights and federally recognized sovereignty of Tribal Nations to self-governance and self-determination by allowing an impacted Tribal Nation to reject development that could negatively impact the health of its people and homelands; and

WHEREAS, FPIC should apply to all member-states that authorize activities that impact Tribal Nations and shall apply to all companies and government agencies involved in the planning and construction of any projects that may impact Tribal resources and the health of Native American and Alaska Native, thus empowering Tribal Nations to have the final say in protecting their people and resources; and

WHEREAS, FPIC must be sought when a project, such as a proposed mine, is located on, off, or near a reservation, Tribally-owned or controlled lands, ancestral homelands, and lands where Tribal treaty and statutory rights exist, but is close enough to contaminate a Tribal Nation's water supply, watershed, or resources in its treaty territory, allowing Tribal Nations to maintain the chemical, physical, and biological integrity of their waters and resources; and

WHEREAS, FPIC ensures that companies and government agencies cannot bypass the concerns and objections of Tribal Nations by recognizing the importance of Indigenous Knowledge and stewardship of the land, and acknowledging Tribal Nations' inherent rights to protect their territories for the next generations; and



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WHEREAS, Tribal Nations decide what projects and plans require their consent, especially any time an environmental impact statement or worksheet is required for a project located on or near a reservation, Tribally-owned or controlled lands, ancestral homelands, and lands where Tribal treaty and statutory rights exist, and any proposed polluting project near reservations and treaty territories must require FPIC before any state or federal permitting process commences; and

WHEREAS, the principle of FPIC upholds self-determination which recognizes and respects the inherent right of Indigenous Peoples to govern themselves, make decisions, and control their lands, resources, and cultural heritage.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians calls on the United States Congress, the legislatures of all of the states, and member-states to enact laws that require Free Prior and Informed Consent (FPIC), while respecting American Indian and Alaska Native self-determination any time a project or development is located on or near reservation lands, Tribally-owned or controlled lands, ancestral homelands, and all other lands and waters where Tribal treaty and statutory rights exist; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of the NCAI and its member Nations until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2025 Annual Convention of the National Congress of American Indians, November 16-21 at the Seattle Convention Center in Seattle, Washington, with a quorum present.

Mark Macarro, President

ATTEST:

Christie Modlin, Recording Secretary