

Conference Statement and Recommendations on:

“Recognizing and Safeguarding Sacred Sites of Indigenous Peoples in Northern and Arctic Regions”

“If one trims the branches and the crown of a tree, the tree regenerates and grows better, but if one cuts the roots of a tree... the tree dies. That's how it is for our identity and our culture...”

An Innu spiritual guide at Pyhätunturi and Rovaniemi 2013.

We, participants of the International Conference “Protecting the Sacred: Recognition of Sacred Sites of Indigenous Peoples for Sustaining Nature and Culture in Northern and Arctic Regions” held in Pyhätunturi and Rovaniemi, Finland, on 11–13 September 2013;

EXPRESS our gratitude to the Sami for hosting the conference on their ancestral lands;

EXPRESS our appreciation to the organisers of the University of Lapland, the Arctic Centre, the University of the Arctic and the Université de Montréal for bringing together a diverse group of individuals and professionals from 12 different countries and 7 different Indigenous Peoples (Sámi, Innu, Naskapi, Yakut, Nenets, Khanty-Mansi, Finno-Ugric) with diverse backgrounds in life;

DECLARE that we have developed this Conference Statement based on the views and ideas presented and shared at the conference through a process of facilitation and consultation supported by the Sacred Natural Sites Initiative;

ACKNOWLEDGE the recommendations of the Global Indigenous Preparatory Conference for the United Nations High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indigenous Peoples (UNGA, 13 Sept. 2013, A/67/994): “Recommend that States affirm and recognize the right to the protection, preservation and restitution of our sacred places, sites and cultural landscapes and establish mechanisms that can effectively promote the implementation of these rights including through the allocation of sufficient financial resources”. The recommendation is made in accordance to the unconditional rights to self-determination and Free, Prior and Informed Consent of Indigenous Peoples.

RECOGNISE AND RESPECT that Indigenous sacred sites and the sacred are conceptualised differently in many cultures, especially from nomadic worldviews and their understanding of spirituality. While many cultures recognise that the whole Earth is sacred, they also recognise that some specific places are of heightened spiritual importance and that these places can be abandoned or created anew. The terms ‘sacred site’, ‘Indigenous sacred site’, ‘sacred landscape’ and ‘sacred natural site’ have become the popular and common wording for these special places expressing what is best understood as broad and open concepts for natural and man made places and manifestations of the sacred;

RECOGNISE that Indigenous sacred sites are important for:

- the religious, spiritual and cultural significance they have for Indigenous Peoples, forming part of their cultural heritage, but also contributing to that of the whole of mankind,
- the continuation of historical and cultural memory - some of it deep and secret - of Indigenous Peoples prior to colonisation and religious imposition, including its contemporary forms,
- biological diversity (plants, animals, their habitats, ecosystems and genetic diversity) and cultural diversity, (spiritual practices and beliefs, identity, linguistic expression), which are inextricably connected in what is increasingly understood as biocultural diversity;

ACKNOWLEDGE the urgent need to address growing threats to sacred natural sites such as: climate change, industrial development, extractive industries such as mining, forestry, hydro-electrics, oil and gas, and their associated operations (such as the development of transport corridors and the use of helicopters), unsustainable tourism, military operations and (related) infrastructural developments (such as low level flying), State dominated educational curricula, religious imposition, and vandalism.

RE-AFFIRM respect for Indigenous Peoples' right to self-determination and their view that any measures for the protection of Indigenous sacred sites must be seen under this principle;

EMPHASISE the diversity of Indigenous Peoples and that different situations will require different applications of Indigenous Peoples' rights, which will respect their specific views, needs and priorities;

UNDERSTAND that Indigenous Peoples' customary laws include long-standing rules and principles regarding the custodianship, governance and management of their sacred sites that should be recognized and respected within a framework of legal pluralism cognizant of indigenous religions, spirituality, beliefs and practices;

RECOGNISE the increasing number of instruments at international level towards the improvement of recognition, protection and conservation of Indigenous sacred sites, including the:

International Conventions and Instruments (Legally binding):

- The 2007 United Nations Declaration on the Rights of Indigenous Peoples,
- The 1989 International Labour Organisation No 169 on the Rights of Indigenous and Tribal Peoples,
- The 1972 World Heritage Convention, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO),
- The 1992 International Convention on Biological Diversity (CBD), especially Article 8j on traditional knowledge innovations and Article 10c on sustainable use of biological diversity components; the Programme of Work on Protected Areas (PoWPA), especially Element 2 on "Governance, participation, equity and benefit-sharing" and its role in fulfilling Aichi Target 11 of the Strategic Plan for Biodiversity 2011–2020; and the 2010 CBD Nagoya Protocol on Access and Equitable Benefit Sharing of genetic resources including the development of Community Protocols,
- The 2001 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters adopted by the United Nations Economic Commission for Europe,
- International human rights instruments and the related jurisprudence, and in particular the consolidated case law of the UN Human Rights Committee and the Inter-American Court of Human Rights on indigenous peoples' rights to their ancestral lands;

International Guidelines and instruments (Non-legally binding):

- The 2004 CBD Akwé: Kon, Guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities,
- The 2011 CBD The Tkarihwaí:ri, Code of ethical conduct to ensure respect for the cultural and intellectual heritage of Indigenous and local communities relevant to the conservation and sustainable use of biological diversity,
- The 1992 Rio Declaration on environment and development, especially Article 22 on the role of Indigenous Peoples and local communities in environmental management and sustainable development,
- The 2011 United Nations Human Rights Council "Guiding principles on business and human rights", especially principle 12 on business enterprises having policies and processes in place to respect human rights, and principle 26 on ensuring domestic judicial mechanisms when addressing business-related human rights abuses,
- The 2002 Johannesburg Declaration on sustainable development, especially principle 25 on reaffirming the vital role of the indigenous peoples in sustainable development,
- The International Society of Ethnobiology 2008 Code of ethics and the 1988 Declaration of Belem,
- The IUCN UNESCO Sacred natural sites, guidelines for protected area managers,
- The 2008 IUCN Resolution, 4.038 Recognition and conservation of sacred natural sites in protected areas,
- The 2012 IUCN Recommendation, M054 Sacred natural sites, support for custodian protocols and customary laws in the face of global threats and challenges,
- The 2008 Statement of custodians of sacred natural sites and territories,
- The 2012 Nanyuki Statement of common African customary laws for the protection of sacred sites,

- The Delos Initiatives' 2006 Montserrat, the 2008 Ouranopolis and the 2011 Inari workshop declarations and conclusions on sacred natural sites in technologically developed countries.

RECOMMEND:

To States, governments and political parties to:

- respect and implement the 2007 UN Declaration on the rights of Indigenous Peoples,
- ratify and implement the ILO No. 169,
- acknowledge and implement the recommendations of the global Indigenous preparatory conference for the United Nations high level plenary meeting of the general assembly that will be known as the World Conference on Indigenous Peoples (UNGA, 13. Sept. 2013, A/67/994),
- recognize the customary laws, systems and practices, traditional knowledge as well as cultural protocols of Indigenous Peoples, including those regarding the management of Indigenous sacred sites and territories and the implementation of positive measures in order to prevent any violation thereof
- adopt pluri-legal approaches and establish mechanisms with the active participation of Indigenous Peoples, to effectively promote the implementation of Indigenous protection, conservation and restoration of Indigenous sacred sites,
- establish processes for Free, Prior and Informed Consent at all levels of decision making regarding sacred natural sites, taking into account the recent related jurisprudence of international human rights monitoring bodies,
- execute continuous assessments and reviews of national laws, policies and practices that support and/or hinder the protection, conservation and restoration of Indigenous sacred sites and adjust national laws and policies to the latest international developments,
- respect the principle of cost internalization as codified by general international law regarding any environmental damage which can have an impact on Indigenous Peoples' lifestyle,
- recognise Indigenous Peoples as rightful benefit-sharers of any project on their sacred sites and the dissemination of their cultural heritage,
- recognise Indigenous Peoples as rights-holders and duty bearers in any decisions, projects and benefit sharing affecting their sacred sites and cultural heritage.
- develop and implement restitution measures of historical injustices committed towards Indigenous Peoples related to the sacred places and cultural heritage,
- develop studies of best practices and policies on the protection, conservation and restoration of Indigenous sacred sites with full participation of the indigenous communities involved;

To the general public, civil society and media to:

- respect and seek the Free, Prior and Informed Consent of Indigenous Peoples to any decisions regarding their sacred sites,
- respect confidentiality, access to and dissemination of culturally sensitive information and indigenous custodians' control over Indigenous sacred sites,
- respect, recognise and where appropriate support the protection, conservation and restoration of sacred natural sites,
- recognise Indigenous Peoples as beneficiaries of any projects and/or exploitation of Indigenous sacred sites,
- adopt and promote a fundamental value of mindfulness – a continual willingness to evaluate one's own understandings, actions, and responsibilities in relation to Indigenous Peoples and their sacred sites,
- recognise the historical injustices and the previous harm and destruction that Indigenous Peoples have suffered regarding their sacred sites and related cultural heritage, and construct processes of reconciliation;

To environmental and conservation organisations to:

- implement the IUCN UNESCO sacred natural sites guidelines and practice the right to Free, Prior and Informed Consent in policy and implementation that affect sacred sites,
- make efforts to increase understanding and respect by conservationists for Indigenous sacred sites, and
- foster successful partnerships between indigenous communities and conservation agencies in support of the recognition of indigenous peoples and their sacred sites;

To religious associations and faith groups to:

- acknowledge and where appropriate stop the damage done to Indigenous sacred natural sites and work towards a strategy of reconciliation and when possible, restitution;
- give recognition to Indigenous Peoples, whose spiritualities have traditional as well as mainstream religious elements, and respect their right to self-determination and religious practice;
- work towards constructive equal dialogue with Indigenous Peoples and communities, who are custodians of sacred natural sites;

To businesses, corporations and the private sector (real-estate, mining, forestry, fisheries) to:

- respect the right of Indigenous Peoples to Free, Prior and Informed Consent at all stages of the planning process of development projects that affect sacred sites;
- undertake environmental, cultural and social impact assessments according to the CBD Akwé: Kon guidelines prior to undertaking any activities;
- support responsible community based and community guided tourism at sacred natural sites that is considerate and respectful of the views and priorities of the communities and custodians;
- seek respectful ways in cases of commercialisation of Indigenous sacred sites in the tourism market, according to, or improving on, the best standards of corporate governance and business ethics.

To the academia, researchers and the education sector to:

- ensure that any research on Indigenous sacred sites is carried out based on the Free, Prior and Informed Consent of the custodians, under their guidance and with the active participation of the site custodians and based on their own codes of conduct including respect of secrecy;
- ensure that researchers support custodians and that research takes place through respectful partnerships and approaches of 'applied or participatory' research;
- ensure that research takes an interdisciplinary approach involving different scientific disciplines, belief systems and ways of knowing;
- prevent any damaging or exploitative research (methods);
- ensure that educational systems and curricula, especially those of boarding schools, allow for Indigenous Peoples to continue their traditional cultural obligations and responsibilities to enable the transmission of traditional knowledge,
- emphasise the role of museums collaborating with local Indigenous Peoples and sharing and providing access to information, especially in areas where there are very few archaeological findings;
- where appropriate, address gaps in education regarding culture and religion in national and local curricula where sacred natural sites are concerned, always respecting secrecy and cultural protocol;
- emphasise the role of Elders as culture-bearers in many communities -they hold in-depth wisdom, knowledge, experience and historic memory gained over the course of their lifetimes- to support the education of youth regarding the values, role, beliefs of their culture as well as the development of skills to protect sacred sites by using appropriate tools (e.g. storytelling),
- design and implement, with the guidance and active participation of Indigenous Peoples, balanced curricula that develop appropriate and fundamental knowledge and respect of Indigenous sacred sites and their indigenous custodians in younger generations and the general public;
- respect the sacred and sacred natural sites in the context of their custodians' worldviews and natural environments and prevent de-sacralisation by removing specific aspects of the sacred outside this context.

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