

RESOLUTION NO. 67,353–N.S.

HONOR BERKELEY SHELLMOUND INDIGENOUS SACRED SITE, UC BERKELEY  
RETURN ANCESTRAL REMAINS TO OHLONE PEOPLES

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070); and

WHEREAS, the City of Berkeley adopted Ordinance 5,985-N.S., the "City of Berkeley Human Rights Ordinance, 1990" adopting a human rights policy based on articles 55 and 56 of the United Nations Charter; and

WHEREAS, on May 19, 2009, the Berkeley City Council passed a resolution to recognize and endorse the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 1; and

WHEREAS, Article 32, 2 of UNDRIP states, "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to 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"; and

WHEREAS, the Berkeley Shellmound is designated as a City of Berkeley Landmark; and

WHEREAS, the Berkeley Shellmound is held sacred by the Ohlone Peoples, the original peoples of this land; and

WHEREAS, continuous development has altered and desecrated much of the Berkeley Shellmound.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley considers the principles agreed to in the United Nations Declaration on the Rights of Indigenous Peoples to pertain to and apply in the City of Berkeley.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley recognizes that many of these principles have been violated continually and egregiously by European and U.S. settlers and governments in the Bay Area, including the right of indigenous peoples to self-determination, to be free of discrimination, protection from forced assimilation or destruction of their culture, and "the right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, (and) ceremonies", and the right to redress, including restitution, developed in conjunction with indigenous people, with regard to such property taken without their free, prior and informed consent.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley affirms that defense of indigenous rights, culture, and dignity are a public value of the City, with benefits that redound to every City resident, and should, therefore carry great weight in the City's land use and development, public planning, landmarking, and zoning.


BE IT FURTHER RESOLVED that free, prior, and informed consent of the Ohlone and other indigenous peoples of the region should be integral to any alteration planning for the Berkeley Shellmound sacred site, in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous People, and all parties should follow the principles of the Declaration with respect to the West Berkeley Shellmound site.

The foregoing Resolution was adopted by the Berkeley City Council on January 19, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf and Worthington.

Noes: Bates.

Absent: None.

  
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Tom Bates, Mayor

Attest:   
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Mark Numainville, City Clerk