

United Confederation of Taíno People

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Sacred Sites and the Environment from an Indigenous Perspective
Yachay Wasi and UNEP Event at PFII 2006
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Caney Quinto Mundo*

We extend warm greeting to all our Indigenous Relatives present as well as to the representatives of Yachay Wasi and UNEP. We express our gratitude to Yachay Wasi and UNEP for inviting us to participate in this panel discussion on Sacred Sites and the Environment from an Indigenous Perspective.

A brief recounting of our story will provide a basis for understanding the process and situation which has led us to this forum to present our issues. The Taíno Boricua Peoples are the original Peoples of the Island of Borike, which is known today as Puerto Rico. Like other Indigenous Peoples we face many problems as a direct result of colonialism - one of the gravest is the lack of recognition of our rights as Indigenous Peoples.

Background

Our ancestors faced genocide and enslavement, under the “repartimeinto” and “encomienda” system of Spanish Colonial Rule. The objective of these systems was to Christianize our Peoples and protect us from our own “infidel state”. According to the Crown only by forcibly denying us our freedom and appropriating our labor could our civilization and assimilation be successful. As the Taíno were now subjects of the Crown they were required to pay monetary tributes to the colonizers. Not only did the natural resource wealth dug up by Taíno slaves go to the Crown, but also agricultural crops and products produced - all in exchange for the so-called protections afforded by the Monarchy. Under these systems and the “doctrine of discovery”, Spain declared title to our lands.

After over 400 years of Spain’s colonial rule, the Puerto Rico’s local political leadership successfully negotiated a Charter of Autonomy, granting a right to full representation in the Spanish Parliament. Soon after granting this “right” however, at the close of the Spanish American War Spain ceded Puerto Rico to the United States in complete violation of International Law. The only express language regarding citizenship upon cessation was that which permitted Spanish residents of the island to maintain the Spanish citizenship. This provision was identified in the Treaty of Paris.

In contrast, the Indigenous Peoples of Puerto Rico had no clear definition as to their status vis a vis their new colonizers, the US. Article IX of the Treaty refers to the status of citizens who did not maintain their allegiance to the Spanish Crown stating “the civil and political status of the Native inhabitants of the territories hereby ceded to the US shall be determined by Congress”. Thus began the U.S. congressional plenary power over the daily lives of all the citizens of Borike/Puerto Rico.

As a result of Puerto Rico’s Commonwealth status, the island’s Governor is limited in his or her ability to make change. With that in mind, negotiating with the Government of Puerto Rico will get the Taíno Peoples only so far, especially with regard to sacred sites such as the Caguana Ceremonial Center, which is under the control of the National Parks Service - an agency regulated by the U.S.

Given Puerto Rico’s semi-sovereign status and semi-self-determination abilities, the Taíno People must turn our attention to the U.S. who claims to be our “guardian and protector” and who has plenary power over us. Picking up where Spain left off, the U.S. continues the tradition of keeping Puerto Rico in a state of tutelage through its colonial rule over the Island.

The Insular cases demonstrate the invisible status of Puerto Rico at the national and international level. In *DeLima v Bidwell*, Justice Brown held “the Island of Porto Rico [sic] is a territory appurtenant and belonging to the United States but not part of the United States within the revenue clauses of the Constitution”. Justice White concurs and clarifies Justice Brown’s holding; “in an international sense Porto Rico [sic] was not a foreign country, since it was subject to the sovereignty of and was owned by the US, it was foreign to the United States in a domestic sense, because the Island had not been incorporated into the US, but was merely appurtenant thereto as a possession.”

These words have sealed Puerto Rico’s political fate. It is continually considered a foreign nation in some instances and domestic in others. Thus at the whim of U.S. Congress, Puerto Rico is part of or apart from the U.S. at any given time, which is a situation that directly affects the Taíno Boricua Peoples of the island.

Taíno at the International Level

Like many of our indigenous relatives, we too have been working at the international level at the U.N. to raise awareness about our struggle. We have also begun to work within the process of the Organization of American States. However since Puerto Rico is a foreign nation in certain situations and domestic concern for others, it is important to note that the Taíno are colonized within the United Nations system and at the OAS.

For example, to access economic support from the OAS for the purposes participating at the recent meeting of the “Points of Consensus on the OAS Declaration on the Rights of Indigenous Peoples”, the Taíno were considered a “domestic concern”

under the U.S. As such the Taíno did not receive an equal support opportunity to attend these and previous meetings unlike other Indigenous Peoples. With regard to the United Nations system, for over 10 years our representatives have applied to the UN Voluntary Fund for Indigenous Peoples to participate in meetings in Geneva and the United States but have yet to receive a response as to why our applications have not been considered. These situations are a clear example of the effects of colonialism on the Taíno Boricua Peoples as we are inextricably linked the U.S. This institutionalized discrimination has affected our ability to participate effectively within these systems as Indigenous Peoples of the Caribbean.

Sacred Sites and The Environment

As the late Vine Deloria Jr. said “The irony of the situation is, you can go on public lands to ski, to strip a mountain to mine, or leave a cyanide pool, but you can’t go on public land to pray for its continued fertility.”

The Taíno can relate to this statement as our culture and religion is also deeply connected to certain places. For the Taíno Boricua “sacred sites” can be ancestral burial grounds, sacred ceremonial centers like Caguana and Tibes, mountains like “el Yunque” and many other places all having spiritual religious and cultural significance. Many sacred sites figure also prominently in oral traditions such as the place of creation. Ceremonies and other spiritual practices that occur at sacred sites are “vital to the health of our Peoples, we become stronger when we pray and hold ceremony in these areas; we gain sacred knowledge from the spirits that help us preserve our culture and way of life.”

The Taíno People have spiritual obligations to fulfill and to do so the Taíno people need to “remember.” To remember, we need to maintain our relationship with the land and our ancestors so they will continue to share the stories, the medicine, and the knowledge. This relationship maintains a balance for past, present and future generations.

To continue these relationships, our ancestral remains and funerary objects must also be respected and protected from gross disrespect by archaeologist, collectors, and tourists. We honor our ancestors and according to our oral traditions, spirits of the deceased are linked to their bones after death. Traditionally, some bones were kept for ceremonial purposes, others must be returned to the Earth Mothers womb to maintain the balance of all. For the Taíno Peoples much like our relatives the Native Hawaiians “human remains are spiritual beings that possess all of the traits of a living person”; maintaining a connection to relatives who take forms other than human and who are not “observably or provably” alive is part of the core of Taíno culture, custom, and religion. Family members who have passed on continue to be a part of Taíno daily life. Our relationship with our ancestors defines who we are as a people and play an important role in our family, spiritual and cultural way of life. The sites where are ancestors are buried must be respected and protected.

Traditionally, we Taíno consider ourselves care takers who must work to protect the Earth Mother Atabey, the Elements and all our Relations. According to our ancient custom, this understanding this helps to maintain a spiritual balance on the Island. Our relationship to the land is not a matter of possession and production but a material and spiritual element which we must protect and preserve for present and future generations - our very existence depends on it.

The Situation of the Taíno with Regard to Sacred Sites Today

The main focus of our presentation within this forum, is the present struggle of the Taíno Peoples of the Island of Boriké (PR), a colony of the United States, to protect our Sacred Sites, Burial Grounds, Ceremonial Grounds, Ancestral Remains, Sacred and Funerary Objects, Mother Earth, the Elements and all our relations. We also wish to bring to the attention of the international community how the Government of Puerto Rico has attempted to criminalize our efforts through state repression, terrorizing participants of peaceful actions, abusing the legal and administrative processes; and requesting a permanent possessory injunction against the participants of a peaceful action. In particular, this overreaching injunction includes not only the participants themselves, but all members of their groups, officers, lawyers. Further, the injunction is a dangerous, unprecedented act as it includes supporters or persons who think like them in perpetuity, that is, our future generations will be burdened by this injunction as well as all unnamed supporters whom have not had their day in court nor the opportunity to confront their accusers.

Thus, do to the lack of recognition of our rights as indigenous peoples our relationship with our Sacred Sites, Lands and Natural Resources, our social structures, culture, spirituality, traditions, health and well being, our very way of life is threatened.

On July 25 2005, in a peaceful manner, representatives of three Taíno organizations, the Caney Quinto Mundo, El Consejo General de Tainos Borincanos, the United Confederation of Taino Peoples and supporters members made a “Sacred Reclamation” in the Centro Ceremonial Indígena de Caguana, which a state-run archeological park that our community considers sacred. We entered the park and through our action and public statement we demanded an end to the desecration of ancestral burial grounds, ancestral remains, sacred and funerary Objects.

Caguana is not merely a place name in the Taíno language, Caguana is one of the words for the Spirit of all things that brings life. Likewise our ceremonial grounds or Bateys are more than just ball courts, they are fields where Ceremonial Dances are performed. It is the Sacred Place of birth and rebirth after we emerged from our safe places following the end of the encomienda system. Caguana was also chosen because our ceremonial Elder passed on the spiritual caretaking of Caguana to a Grandmother and he told us it was time to take action for the present and future generations. It is important to point out that this action was supported by our Elders Council and Don Manuel Galagarza, Elder and Spiritual Medicine Person was present

at Caguana continuously throughout the 18 days that we maintained our Ceremony and reclaimed our Ceremonial Grounds.

We choose the 25th of July, the day of the Puerto Rican Constitution to point out that on day such as the celebration of the Constitution and the rights declared therein for the enjoyment and exercise of the Peoples, the rights of the indigenous Taino Boricua Peoples were continually violated.

We choose that day to demand that the human rights, civil rights, constitutional rights that all Puerto Rican Peoples enjoy and exercise be recognized for the Indigenous Taino Boricua Peoples. We also choose that day to denounce the total neglect and state of abandonment in which our Ceremonial Grounds which had fallen in the hands of the Institute of Puerto Rican Culture. The Institute is entrusted by the Free Associated State of Puerto Rico specifically to conserve, preserve and protection for the benefit and enjoyment of present and future generation.

We choose that day to bring attention to the desecration of Ancestral Burial Grounds, Ancestral Remains, Sacred and Funerary and the continued destruction of our Ancestral Legacy by the Institute of Culture and the US Army Corp of Engineers.

Instead of finding a government receptive to establishing a dialogue and finding solutions mutually beneficial, just and in harmony with the constitutional guarantees, civil rights, human rights and international rights, we were faced with a tenacious, ridiculing and autocratic government prepared to abuse its power y take repressive actions under the guise of purely administrative and legal action.

After various days of negotiations with representatives of the Institute of Culture, we reached an agreement with the then Director, Srs, Tio to dialogue about the issues raised in our Sacred Reclamation. However, said agreement was violated, and from that point on we were subjected to diverse actions which violated our human, constitutional, civil and international rights and placed the security of all the participants and the health of a grandmother who had been on a hunger strike for 17 days in danger.

Among the repressive actions taken by the Puerto Rican government in an attempt to force us to end our Ceremony and leave Caguana Ceremonial Grounds are the following:

- They denied us access to basic needs such as water, food, personal hygiene, medical services, and legal representation.
- The State accused us of trespassing “entrada ilegal en heredad ajena”, the judge dismissed those charges for lack of probable cause, the state then charges us with criminal charges of usurpation and the court finds probable cause

- As a consequence of these charges, three participants were arrested in a violent manner which was not at par with the peaceful action that was being carried out by the participants. In a Special Operative only used in cases of escaped and dangerous fugitives, violent criminals ect., the government of Puerto Rico dispatched a special unit of about 27 special agents from the combined forces of 4 different departments, the special arrest division, FURA, SWAT, State Police and Court Agents to arrest the three participants who were in Ceremony at the Caguana Ceremonial Center, one of whom was in her 17th day of a hunger strike violating their human rights.
- Not satisfied with all these abuses, they placed the security and life of the Grandmother who was into her 17th day of her hunger strike, making her walk against the courts recommendation to provide a stretcher or wheelchair for her. The other two participants were not only handcuffed but shackled and subjected to a strip search.
- Thanks to the local and international support we received the Institute of Culture dropped the charges at the April 2006 scheduled hearing after 8 long grueling months of suspended hearings, negotiation meetings that achieved no results.

We are now at a crucial point as the Institute of Culture is still pursuing a permanent possessory injunction which is unconstitutional and far reaching. Additional support is needed to exert pressure on the institute and put an end to the attempt to criminalize the Taíno Peoples for defending and demanding their rights.

It is important to point out some successes we have had up to now:

- We celebrated 2 years of having detained the destruction of Ancestral Burial Ground in another area, Caguas, through the joint efforts of Caney and COYAINCA a community Organization
- As part of our Sacred Reclamation, through the joint efforts of the Ojo de Agua Community. we detained for about 10 months a construction project where the US Army Corp. of Engineers desecrated a Ancestral Burial Ground and removed 9 Ancestral Remains with their Sacred and Funerary Objects and brought them to the United States for study;
- As we speak we are waiting for a fax from Tom McCollock from the Advisory Council on Historic Preservation with respect to where are our Ancestral Remains are and when will they be returned so that they can be returned to the Earth Mother Atabey in their Homeland Borike.

In closing, we reaffirm that the Taíno Boricua Peoples must be part of the discussions and decisions regarding land and natural resource uses, our Sacred Sites, the Earth Mother, the Elements (environment), Ancestral Remains, Sacred and Funerary Objects.

We are grateful for your support and attention. Bo Matum, Thank You