

**NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on the rights of indigenous peoples.

REFERENCE: AL Indigenous (2001-8)
USA 18/2011

19 September 2011

Excellency,

I have the honor to address you in my capacity as Special Rapporteur on the rights of indigenous peoples in accordance with General Assembly resolution 60/251 and to Human Rights Council resolution 15/14.

In this connection, I would like to draw the attention of your Excellency's Government to **new information received concerning the ceremonial and burial site Sogorea Te, located in Glen Cove, in the city of Vallejo, California**. As you are aware this letter follows a previous communication sent on 10 May 2011, together with the Special Rapporteur on freedom of religion or belief and the Independent Expert in the field of cultural rights, regarding the alleged imminent destruction of the Sogorea Te site. In that letter, I expressed concern that the City of Vallejo was planning to level and pave over the Sogorea Te sacred area in order to construct a parking lot and public restroom.

I regret that there is no record of a reply to my letter of 10 May 2011, in the files of the Office of the High Commissioner for Human Rights. However, I have received information from representatives of the concerned Native American tribes that this matter has been satisfactorily resolved. It has come to my attention that the Yocha Dehe and Cortina tribes negotiated a cultural easement and settlement agreement with the City of Vallejo and the Greater Vallejo Recreation District. Reportedly, the cultural easement guarantees that the Yocha Dehe and Cortina tribes will have legal oversight in all activities taking place on the sacred burial grounds of Sogorea Te/Glen Cove.

Assuming this information to be true, I consider it to represent a very positive development. In my view, this agreement could be considered an important step in the implementation of article 25 of the United Nations Declaration on the Rights of Indigenous Peoples, which has been endorsed by your Excellency's Government. Article 25 states, "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." I anticipate that the negotiated easement and

agreement will be duly adhered to by the competent authorities, and I will certainly continue to monitor this situation.

I would be grateful to receive any comments of your Excellency's Government on this case. I undertake to ensure that your Excellency's Government's response will be taken into account in any future assessment I make on this situation, and any recommendations I make public in this regard pursuant to the terms of my mandate.

Please accept, your Excellency, the assurances of my highest consideration.

James Anaya
Special Rapporteur on the rights of indigenous peoples