



NATIVE AMERICAN CHURCH

STATE of NEW MEXICO

Shiprock, New Mexico 87420

The purpose of the corporation is to provide a church for religious purposes of those believing in the use of peyote as a sacrament and for religious and curing ceremonies.

United Nations Permanent Forum on Indigenous Issues Twenty-Third (23rd) Session

Item 4

Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples and the 2030 Agenda for Sustainable Development Native American Church of North America – State of New Mexico, Inc. (1981) Leo Dayish (Navajo), President

Greetings. The Native American Church-State of New Mexico, Inc. makes this statement about the infringement on the religious freedom of the Native American Church (NAC). The NAC in the United States is comprised of U.S. citizens and tribally enrolled citizens, such as citizens of the Navajo Nation from Shiprock, New Mexico. The NAC-SNM has been incorporated since 1981 and its mission is to support the protection of American Indian religious, ceremonial, spiritual and traditional practices held sacred since time immemorial.

The Native American Church's human right to religion cannot currently be realized because the Peyote plant is threatened. It is contradictory for the federal government to grant NAC members the right to use Peyote religiously while simultaneously failing to protect the medicinal plant, Peyote. As a duty-bearer under international law, the U.S. has the affirmative responsibility to prevent infringement of these rights.

Support requested of the United Nations Permanent Forum to recommend to the U.S.

The freedom of religion is a universal human right guaranteed in Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and Article 5(d)(vii) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Indigenous Peoples have the right to traditional medicines and plants, and cultural, religious, and spiritual practices, as recognized in Articles 11, 12, 24, 25, and 31 of the United Nations Declaration on the Rights of Indigenous Peoples (Declaration).

In the United States, the Native American Church has achieved some recognition of its formal right to practice the Peyote religion under the American Indian Religious Freedom Act (AIRFA) and the 1994 Amendments to that Act. However, the health and sustainability of the naturally occurring plant Medicine, Peyote, in south Texas, United States is threatened due to:

1. Misappropriation of Medicinal Plants and associated Traditional Knowledge. Tribal sovereign authority over genetic resources and traditional knowledge has never been ceded to the United States, nor expressly abrogated or diminished by an act of United States Congress. Thus, we have grave concerns with regulatory regimes that seek to enable the commercialization of traditional medicines and associated traditional knowledge that are held sacred by indigenous communities.

2. Lack of protection for Peyote and Peyote Habitat. There is no U.S. action or legislation that affords protection of the medicinal plant, Peyote, thus it has been subject to destruction and decline caused by land development and root-plowing. The medicinal Plant's biological health and sustainability are threatened, such that the International Union for Conservation of Nature has classified Peyote as vulnerable.

NAC-SNM requests the Permanent Forum on Indigenous Issues to urge the U.S. to:

1. Assure enforcement of national laws (American Indian Religious Freedom Act) to the full extent to prevent domestic efforts that infringe on the ceremonial and traditional practices of Indigenous ceremonies, including the traditional Native American Church;

2. Take positions in the World Intellectual Property Organization (WIPO) negotiations that not only seek to prevent harm to tribes from the misappropriation, misuse, and exploitation of traditional knowledge, but also assure that any existing and/or future legal instruments contribute to the protection of Indigenous Peoples' genetic resources and traditional knowledge;

3. Seek out and listen to the voices of respected Indigenous elders, ceremonial leaders, traditional practitioners, and community experts – who are the undeniable stewards of culturally revered items such as medicinal plants – to prevent the commercialization and patenting of indigenous medicinal plants; and

4. Take affirmative actions to initiate and support a Peyote Habitat conservation program to protect and preserve the Peyote in its naturally occurring habitat in the desert region of Southern Texas -- the only place in the United States where the Peyote cactus plants grow naturally.

In closing, the United States' position in international and domestic negotiations and positions must not directly abrogate or diminish upon tribal sovereign rights and must contribute to the protection of medicinal Plants and associated traditional knowledge. Thank you. Ahe'hee.