



NATIVE AMERICAN CHURCH

STATE of NEW MEXICO

364 Navajo Route, Tree Meadows

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 Seventeenth Session of the Expert Mechanism on Rights of Indigenous People

July 11, 2024

Item 11

Proposals to be submitted to the Human Rights Council for its consideration.

Native American Church of North America – State of New Mexico, Inc. (1981)

[Navajo Clan introduction] Ya'at'eeh, greetings Chair. My name is Linda Benally. Thank you for the opportunity to speak on behalf of the Native American Church-State of New Mexico, Inc. Our mission is to support the protection of American Indian religious, ceremonial, spiritual and traditional practices. Across North America there are approximately 300,000 practitioners of the peyote religion. Together with other Indigenous Peoples worldwide, we are deeply concerned about our plants and associated traditional knowledge, and appreciate the EMRIP's study on implementing the Declaration generally.

We call on EMRIP to propose that the Human Rights Council (1) welcome the World Intellectual Property Organization's recently adopted Treaty on Genetic Resources and Associated Traditional Knowledge ("GRATK") and (2) strongly encourage all Member States to sign, ratify, and implement the Treaty as soon as possible.

This Treaty is critical to addressing widespread exploitation of Indigenous Peoples' medicinal plants. The Peyote plant, for example, is currently vulnerable to over-harvesting by individuals and appropriation by pharmaceutical companies who are developing synthetic versions that science has identified as its active ingredient – mescaline – without consultation or consent of the Indigenous Peoples who have long treated Peyote as a sacrament. Indigenous Peoples relate to the medicinal plant as interconnected and explicable only as a whole, understandable using Indigenous Languages, such as the Navajo language. The protection of Peyote and other traditional plants is necessary under Articles 11, 12, 24, 25, and 31 .

The Native American Church, together with the National Congress of American Indians, Coalition of Large Tribes, the Euchee Tribe, and others have been deeply involved in encouraging the World Intellectual Property Organization ("WIPO") to adopt a treaty to protect our plants and related healing practice.

In May 2024, after twenty four years of diplomacy by Indigenous Peoples and States, WIPO finally adopted the Treaty on Genetic Resources and Associated Traditional Knowledge. It was a truly historic event. This is the first WIPO Treaty to expressly reference Indigenous Peoples and the UN Declaration on the Rights of Indigenous Peoples. It will help to protect our religion, culture, language, and health by requiring companies and others to "disclose" aspects of patent applications that are "based on" Indigenous Peoples' genetic resources and associated traditional knowledge.

The WIPO GRATK must be understood as a human rights treaty and we request that the Human Rights Council strongly encourage States to sign, ratify, and implement it.

Thank you for the opportunity to speak. Ahe'hee.

Native American Church - State of New Mexico, established on July 27, 1981, supports the protection of American Indian religious, ceremonial, spiritual and traditional practices held sacred since time immemorial.