

Remarks on the Freedom of Religion or Belief Report

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Remarks on the Freedom of Religion or Belief Report¹

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We thank the Special Rapporteur, Ahmed Shaheed, for the interim report on freedom of religion or belief given at the seventy-seventh session, Item 74(b) of the provisional agenda.² We acknowledge and send our gratitude for the dedication and efforts made in reaching out to Indigenous Nations, Peoples, and Communities, and being open to our perspectives on how we define and practice what is referred to as *religion* and *belief*. Freedom to practice our ceremonies, languages and cultures is intrinsic to the quality of our lives as Indigenous Peoples.

We feel the question goes a step further. We believe that it is about a value system—one which is needed for our mutual survival. It is important to understand that the notions of *religion* and *belief* are two concepts external to us as Indigenous Peoples. For us it is not about belief, but rather about our sacred relationships with the natural world. That is what is important, for it is tangible. We see all living beings as relatives, not resources. Creator exists in all living beings, not as some external being elevated in a distant space.

What you just heard from our Tadodaho, The Haudenosaunee Thanksgiving Address or the Words that Come Before All Else, reminds us of the responsibility, respect, and reciprocity between Indigenous peoples, Mother Earth, and all living beings. Indigenous people have a mandate to speak for those who cannot speak for themselves.

Thank you for your understanding that any actions must take all genders into consideration and listen to the marginalized voices. The Haudenosaunee Confederacy is a matrilineal society. We understand the need for balance and the inclusion of women in religious and cultural practices. I also want to thank you for confronting antisemitism and Islamophobia. And as you know, there is so much work that still needs to be done.

Examining the report, in Art. 10 you mention that an international definition of “Indigenous Peoples” doesn’t exist. We agree with you that member states often use definitions of Indigeneity to erase us and negate our participation in the UN. It reminds me of something our Tadodaho often says: “They severed our tongues so we couldn’t speak our language; then punished us for not being able to speak it.” We know all too well that it was a tool of the colonizer to make us an enemy by demonstrating that we didn’t have the same religious practices such as Christianity. It was necessary to label us as witches, pagans and saracens [*sic*] in order to dispossess us of our lands and sacred places.

1. Remarks delivered at the forum “Freedom of Religion or Belief for Indigenous Peoples: The 2022 UN Report,” at the Center for Earth Ethics at Union Theological Seminary on October 26, 2022. This forum discussed human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms.

2. Ahmed Shaheed, “Interim Report of the Special Rapporteur on Freedom of Religion or Belief. Indigenous Peoples and the Right to Freedom of Religion or Belief” (New York: United Nations, October 10, 2022), <https://www.ohchr.org/en/documents/thematic-reports/a77514-interim-report-special-rapporteur-freedom-religion-or-belief>.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an important instrument. The Declaration is not a legally binding instrument. The principles contained therein are based on human rights standards contained in other international instruments that are legally binding. We will continue to push for the United Declaration on the Rights of Indigenous Peoples to become a covenant.

The critical success of the UNDRIP, the UN Permanent Forum on Indigenous Issues (UNPFII), the UN Sustainable Development Goals (UNSDG), and the rest of the work of international nation-to-nation and treaty relationships rests in the acknowledgement of the territorial integrity and rights of Mother Earth and the full recognition of Indigenous peoples' sovereignty. The special relationship between Mother Earth and Indigenous peoples must be protected. We acknowledge the General Assembly's resolution on the Harmony of Nature, which acknowledges the limitations of the human rights framework, "[r]ecognizing that a number of countries consider Mother Earth the source of all life and nourishment and that these countries consider Mother Earth and humankind to be an indivisible, living community of interrelated and interdependent beings."³ These types of relationships cannot be properly categorized within a human rights framework. Instead, we operate under our traditional pre-colonial way of life, guided by the teachings of our ancestors and preparing the way for the seven generations yet to come.

We also agree that there is no definition that includes all religions. Fundamentally, the categories of religion and belief will always remain Christian categories. There needs to be acceptance, not mere tolerance. Protection of these freedoms is paramount. The great paradox of religious freedom in international affairs is that systems already exist for appropriate protections, however Indigenous nations and peoples are discounted, excluded, and ignored. We are not seen as being properly institutionalized religious communities who worship in churches and have a clerical hierarchy. Until UNDRIP becomes legally enforceable, we need to continue to utilize the Universal Declaration on Human Rights and other instruments—as long as the protections include those that are not included in “institutionalized” belief systems.

Conclusions

1) *A Full Report on The Doctrine of Discovery*. Among the report's key findings, we appreciate the acknowledgement of the effects of forced assimilation. We have suffered from the dispossession of our lands, loss of access to vital resources, and forced separation from our spiritual and sacred places. Forced assimilation and dispossession are two key components of the Doctrine of Discovery. As your report notes, The Doctrine of Discovery remains alive and well. The American Indian Law Alliance has asked and will continue to ask for a full study regarding the effects of the Doctrine on all Indigenous peoples.⁴ It was the founder of our organization and Special Rapporteur of the Permanent Forum on Indigenous Issues at that time, Tonya Gonnella Frichner, who delivered the preliminary study on the Doctrine of Discovery in 2010. She asked for a full study, which has yet to be conducted. We ask the Special Rapporteur to kindly support these efforts. Those affected by this doctrine are not just the oppressed but also the oppressors. As Indigenous peoples we understand root cause analysis. The global rise of white Christian supremacy is a direct result of the unaddressed violence of the Doctrine of Discovery. A full report on the Doctrine of Discovery is still necessary, just as our founder Tonya Gonnella Frichner clarified in the “Preliminary study

3. UN General Assembly, Resolution 68/216, Harmony with Nature, A/RES/68/216 (December 20, 2013), <https://documents.un.org/doc/undoc/gen/n13/452/41/pdf/n1345241.pdf>.

4. See “Doctrine of Discovery,” American Indian Law Alliance, accessed December 9, 2024, <https://aila.ngo/issues/doctrine-of-discovery/>.

of the impact on indigenous peoples of the international legal construct known as the Doctrine of Discovery.”⁵

2) *MMIW*. An ongoing crisis in Indigenous communities is the continued kidnapping, sexual assault, and murder of Indigenous women.⁶ Far too often, the police and lawmakers are not only complicit in these attacks, but also are the perpetrators of these attacks. Women in my own extended family have been kidnapped and murdered, and to date the cases are still cold.

3) *Boarding Schools*. Every single Indigenous person alive on Turtle Island is either a survivor of the boarding schools (also known as residential schools), or the child or grandchild of a boarding/residential school survivor. We are still here, despite these educational acts of erasure and acts of genocide. Alarming, many member states continue to ignore the reality that Indigenous peoples live within their imposed borders. Another concern is that member states are moving too quickly towards truth and reconciliation. Let me be clear: there can be no reconciliation, because there has been no point in time where there was a conciliation. Another better future—an Indigenous future—must be imagined.⁷

4) *Two Row Wampum*. Our first treaty with Europeans was the Two Row Wampum treaty. It is the 1600s version of “stay in your lane.” This treaty offered a way for Indigenous and non-Indigenous peoples to live peacefully side by side, and in right relationship with Mother Earth and all living beings. This treaty is in effect as long as the grass grows, rivers flow, and the sun rises.⁸

5) *One Dish, One Spoon Wampum*. One of our earliest treaties with the Anishinaabe is called the One Dish, One Spoon treaty. We agreed to hunt and fish in a respectful manner, leaving food for each other and making sure that the animal populations would continue to flourish. Like in the Thanksgiving Address, we agreed to come together and be of one heart and mind. This wampum treaty reminds us to share Mother Earth. After all, we are all sharing one dish and one spoon.⁹

5. See Tonya Gonnella Frichner, “Preliminary Study of the Impact of Indigenous Peoples of the International Legal Construct Known as the Doctrine of Discovery” (New York: United Nations, February 4, 2010), <https://documents.un.org/doc/undoc/gen/n10/231/02/pdf/n1023102.pdf>.

6. For more on this issue, see: “Missing and Murdered Indigenous Women (MMIW),” Native Hope, accessed December 9, 2024, <https://www.nativehope.org/missing-and-murdered-indigenous-women-mmiw/>; “Missing and Murdered Indigenous Women, Girls, and 2SLGBTQI+ People,” Crown-Indigenous Relations and Northern Affairs Canada, accessed December 9, 2024, <https://www.rcaanc-cirnac.gc.ca/eng/1590523702000/1590523850562>; “Missing and Murdered Indigenous People,” U.S. Department of the Interior: Indian Affairs, accessed December 9, 2024, <https://www.bia.gov/service/mmu>

7. For more on boarding/residential schools, see: “US Indian Boarding School History,” The National Native American Boarding School Healing Coalition,” accessed December 9, 2024, <https://boardingschoolhealing.org/education/us-indian-boarding-school-history/>; Truth and Reconciliation Commission of Canada, *Final Report of the Truth and Reconciliation Commission of Canada, Volume One, Summary: Honouring the Truth, Reconciling for the Future* (Toronto: James Lorimer & Company Ltd., Publishers, 2015).

8. See Onondaga Nation, “Two Row Wampum – Gaswéñdah” (Onondaga Nation People of the Hills, n.d.), <https://www.onondaganation.org/culture/wampum/two-row-wampum-belt-guswentah/>.

9. See Victor P. Lytwyn, “A Dish with One Spoon: The Shared Hunting Grounds Agreement in the Great Lakes and St. Lawrence Valley Region,” in *Papers of the Twenty-Eighth Algonquian Conference*, ed. David H. Pentland (Winnipeg: University of Manitoba, 1997), <https://ojs.library.carleton.ca/index.php/ALGQP/article/view/507>.

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