

# **Indigenous Peoples and the right to freedom of religion or belief**

*Contribution delivered by Mr. Gervais NZOA, Former Member of the United Nations Permanent Forum on Indigenous Issues (UNPFII)*

*Tel. +237699885806*

*Email : [gervaisnzoa@gmail.com](mailto:gervaisnzoa@gmail.com)*

## **1) How would you describe the spiritual beliefs and practices of Indigenous peoples in the region ?**

The spiritual beliefs and practices of indigenous peoples includes music, songs, dance, food, medicinal plants, traditional and ritual customs, sacred sites and spirit' nature as « Jengi » spirit of the the Baka' indigenous peoples of the forest in Cameroon. Spiritual beliefs and cultural expression are key to indigenous peoples identity.

Cultural rights in the UNDRIP include : rights to maintenance of their cultural institutions (Article 5) ; determining their own membership in accordance with their traditions (Article 9) ; practising and revitalizing their cultural traditions and customs (Article 11 (1)) ; redress with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs (Article 11 (2)) ; manifesting, practising, developing and teaching their spiritual and religious traditions, customs, and ceremonies and maintaining their religious traditions, customs and ceremonies and maintaining their religious and cultural sites together with repatriation of their human remains (Article 12) ; cultural appropriate education (Article 14) and maintaining their own traditional medicines and health practices (Article 24).

Furthermore, Article 13 focuses on indigenous intangible heritage, stressing that indigenous peoples have the right to « revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures ». Article 31 affirms the right of Indigenous peoples « to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions ».

## **2) What FoRB human rights challenges are members of Indigenous communities facing in the region ? Do they experience any forms of hostility, violence or discrimination at least partly because of their religion or belief identity ? Are there other FoRB issues ?**

As noted challenges :

No right to cultural identity and religious freedom in the context of extraction, exploitation and development activities ;

Destruction of the sacred or religious sites in the context of extraction, exploitation and development activities ;

Environment and social impact destruction of the sacred or religious sites without the right to previous, free, and informed consultation and consent of the members of indigenous communities especially in relation to indigenous peoples' interests in lands, territories and resources (Articles 10, 11, 19, 28, 29 (2) and 32 (2) of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Indigenous communities don't have the law enshrined their traditional beliefs regarding Articles 7, 10, 11, 19, 28, 29 (2) and 32 (2) of the UNDRIP ;

A major concern of indigeous peoples is that governments continue to make decisions that affect them while not involving them. The UNDRIP therefore clarifies international standard on the right to participate in decision making on a wide range of matters that affect the live of indigenous peoples ;

No obligation to supervise development and extractive activities regarding articles 10, 11, 19, 28, 29 (2) and 32 (2) ;

No duty to garantee effective participation and access to information ;

No duty to prevent illegal activities and forms of violence against the indigenous peoples in areas affected by extractive or development activities ;

Effective participative, impact studies on human rights and shared benefits in the context of extractive and development activities ;

Right to previous, free and informed consultation and consent in the context of the extractive and development activities;

Right to benefit sharing in projects ;

Duty to ensure that the restrictions on the use and enjoyment by indigenous peoples of their natural resources do not result in a denial their physical and cultural survival.

### **3) What is the role of Indigenous women and girls within the community's spiritual belief system and practices, and how has this changed over the years ?**

The duty to committe the community's spiritual belief systems and practices in the context of extractive, exploitation and development activities to guarantee their effective participation, traditional knowledge and survival life ;

The obligation to garantee the conservation of the traditional resources, spiritual belief systems and practices for the cultural and traditional survival in the communities : music, songs, dances, cultural, ritual cultural, traditional knowledge and medicinal plants, religious ceremonies in the sacred sites.

The duty to adopt an appropriate and effective regulatory framework ;

The mandate to monitor and supervise development activities ;

The duty to garantee mechanisms of effective participation and access to information ;

The obligation to prevent illegal activities and forms of violence.

### **4) What has been the impact of colonization in the context of FoRB in Western and Central Africa ?**

Lost of land and sacred sites ;

Discrimination based on the the indigenous origin or identity, Article 2 of the UNDRIP

Marginalisation and stigmatisation of indigenous peoples ;

Forced displacement/expropriation in the context of extraction, exploitation and development activities ;

Destruction of the sacred sites ;

Benefit sharing in the context of the forestry exploitation, the community forestry and the projects and programs development ;

Lost of the right to cultural identity and religious freedom in the context of the land management regarding exploitation, plantation and development activities;

Identification of the identity indigenous peoples with « self – identification » as key criterion in many countries of western and central Africa ;

Self – identification as belonging to an indigenous peoples, nation or community ;

A common ancestry and historical continuity with pre –colonial or pre – settler societies ;

A special relationship with ancestral lands, which often forms the basis of the cultural distinctiveness of Indigenous Peoples ;

Distinct social, economic and political systems as well as a distinct language, culture, beliefs and customary law ;

Formation of non – dominant groups within society ;

Determination to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems ;

Impact of land and forest degradation in the context of extraction, exploitation and development activities.

#### **5) What is the relationship between Indigenous peoples and majority faith systems in the region like ?**

Cooperation in the communities' social cultural activities such as rituals and ceremonies, spiritual and cultural festivals, traditional knowledge.

#### **6) Can you give examples of good practice when it comes to promoting and protecting indigenous spiritual beliefs and practices in the region ?**

Spiritual and cultural festivals ;

Rituals, songs and ceremonies 'initiation;

Traditional knowledge ;

Social structures and traditional practices ;

Specific beliefs and institutions ;

Sets of laws and customs ;

Deep attachment to specific lands ;

Traditional livestock production for livelihoods.

**7) What role do you see for Indigenous religion or belief in terms of addressing or helping to resolve the many converging crises facing humanity today - climate, ecological, societal, economic, political or other ?**

Consolidate the social cohesion in the indigenous communities through traditional religion ;

Resolve political matter in the society via traditional practices and knowledge;

Exchange with the nature' spirit regarding climate, ecological, societal, economic and politic ;

Transmission traditional knowledge, indigenous religion or belief to the young of the communities ;

Provide safe and secure traditional knowledge, medicinal plants, indigenous beliefs ;

Ensure the protection and the promotion of the indigenous religion, traditional knowledge regarding the crises facing humanity today ;

Predict the matters which can affect the indigenous communities in the future.