

A Minute to Repudiate the Doctrine of Discovery and to Affirm the U.N. Declaration on the Rights of Indigenous Peoples

**Drafted by the Indigenous Peoples Concerns Committee
Approved by Boulder Friends Meeting on March 10, 2013**

In solidarity with initiatives led by Indigenous leaders and a growing number of religious organizations, the Boulder Friends Meeting repudiates the “Doctrine of Discovery.” For centuries, this doctrine of domination has been used to oppress Indigenous Peoples throughout the world and deny them their rights. The Doctrine originated in 15th and 16th century papal bulls that privileged European Christians over all other peoples. The popes authorized European monarchs to “invade, capture, vanquish, and subdue all...pagans and other enemies of Christ...to reduce their persons to perpetual slavery...and...to take away all their possessions and property,” (Pope Nicholas V). The Doctrine of Discovery violates Christian teachings, from their foundation in the Ten Commandments to their expression in the life of Jesus. It also violates our Quaker testimonies of equality, peace, integrity, community, and stewardship.

As citizens of Colorado, we occupy lands that were recognized by treaty as the territories of Indigenous Nations including the Arapaho, Cheyenne, and Ute peoples -- and then taken from them. Consciously or unconsciously, we benefit from historical and ongoing injustices committed against the Native peoples of this land.

Because the Doctrine of Discovery was embedded in the legal foundations of the United States and other countries, it continues to be cited as a precedent. Even today it is used to deny Indigenous Peoples their rights. For this reason, we urge our government and all governments to dismantle the legal structures and revoke the laws and policies that are based on the Doctrine of Discovery. We accept our own responsibility to work to dismantle the economic, social, cultural, and educational structures of privilege that are rooted in the Doctrine.

In order to build relationships with Indigenous Peoples founded in equity and justice, we affirm and support the United Nations Declaration on the Rights of Indigenous Peoples. The Declaration seeks to ensure that Indigenous Peoples collectively and individually enjoy all the human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights, and international human rights law. The Declaration recognizes Indigenous Peoples’ right to self-determination and establishes a framework for political and social relationships based on equity and mutual respect. Just as Quakers played a role in promoting the passage of

the Declaration by the UN General Assembly in 2007, we acknowledge that we must also labor to implement it.

BACKGROUND

The Doctrine of Discovery

The following statements are based on the World Council of Churches' Executive Committee's "Statement on the Doctrine of Discovery and its enduring impact on Indigenous Peoples," (February 17, 2012).

1. Indigenous Peoples have the oldest living cultures in the world. Today 300 to 500 million Indigenous people live in over 72 countries around the world, and they comprise at least 5,000 distinct peoples. The ways of life, identities, well-being and very existence of Indigenous Peoples are threatened by the continuing effects of colonization and national policies, regulations and laws that attempt to force them to assimilate into the cultures of the majority societies. A fundamental historical basis and legal precedent for these policies and laws is the "Doctrine of Discovery," the idea that Christians enjoy a moral and legal right, based solely on their religious identity, to invade and seize indigenous lands and to dominate Indigenous Peoples.

2. Around the world, Indigenous Peoples are over-represented in all categories of disadvantage. In most Indigenous communities people live in poverty without clean water and necessary infrastructure. They lack adequate health care, education, employment and housing. Many Indigenous communities still suffer the effects of dispossession, forced removals from homelands and families, inter-generational trauma and racism, the effects of which are manifested in social welfare issues such as alcohol and drug problems, violence and social breakdown. Basic health outcomes dramatize the disparity in well-being between Indigenous Peoples and European descendants.

3. The patterns of domination and oppression that continue to afflict Indigenous Peoples today throughout the world are found in numerous historical documents such as Papal Bulls, Royal Charters and court rulings. For example, the church documents *Dum Diversas* (1452) and *Romanus Pontifex* (1455) called for non-Christian peoples to be invaded, captured, vanquished, subdued, reduced to perpetual slavery and to have their possessions and property seized by Christian monarchs. Collectively, these and other concepts form a paradigm or pattern of domination that is still being used against Indigenous Peoples.

4. Following the above patterns of thought and behavior, Christopher Columbus was instructed, for example, to "discover and conquer," "subdue" and "acquire" distant lands. In 1493

Pope Alexander VI called for non-Christian "barbarous nations" to be subjugated and proselytized for the "propagation of the Christian empire." Three years later, England's King Henry VII followed the pattern of domination by instructing John Cabot and his sons to locate, subdue and take possession of the "islands, countries, regions, of the heathens and infidels . . . unknown to Christian people."

Thereafter, English, Portuguese and Spanish colonization in Australia, the Americas and New Zealand continued as Europeans attempted to conquer and convert Indigenous Peoples. In 1513, Spain drafted a legal document that was required to be read to Indigenous Peoples before "just war" could commence. The *Requerimiento* informed Indigenous Peoples that their lands had been donated to Spain and that they had to submit to the Crown and Christianity or they would be attacked and enslaved.

5. In 1823, the U.S. Supreme Court used the same pattern and paradigm of domination to claim in the ruling *Johnson v. M'Intosh* that the United States, as the successor to various 'potentates,' had the 'ultimate dominion' or 'ultimate title' (right of territorial domination) over all lands within the claimed boundaries of the United States. The Court said that as a result of the documents mentioned above, authorizing "Christian people" to "discover" and possess the lands of "heathens," the Indians were left with a mere "right of occupancy;" an occupancy that, according to the Court, was subject to the "ultimate title" or "absolute title" of the United States.

Australian, Canadian, New Zealand and United States courts have repeatedly cited the *Johnson* case. The Doctrine of Discovery has been held by all these countries to have granted European settler societies plenary power (domination) over Indigenous Peoples, legal title to their lands, and has resulted in diminished sovereign, commercial and international rights for Indigenous Peoples and governments. Europeans believed this was proper based on their ethnocentric, racial and religious attitudes that they and their cultures, religions and governments were superior to non-Christian, non-European peoples.

6. Consequently, the current situation of Indigenous Peoples around the world is the result of a linear program of "legal" precedent, originating with the Doctrine of Discovery and codified in contemporary national laws and policies. The Doctrine mandated Christian European countries to attack, enslave and kill the Indigenous Peoples they encountered and to acquire all of their assets. The Doctrine remains the law in various ways in almost all settler societies around the world today.

The enormity of the theft of the rights and assets of Indigenous Peoples has led Indigenous activists to work to educate the world about this situation and to galvanize opposition to the Doctrine. Many Christian churches have studied and repudiated the pernicious Doctrine and are working to ameliorate the legal, economic and social effects of this international framework. (See the list at the end of this document.)

The United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples is a moral counterweight to the Doctrine of Discovery. This Declaration, which is not legally binding, acknowledges human rights, such as religious, cultural and property rights of Indigenous Peoples and holds governments responsible for protecting these rights. It has been described as a beacon and catalyst for achievement, well-being, and renewed hope. It affirms Indigenous Peoples' collective as well as individual human rights. Indigenous Peoples worldwide are now employing the Declaration to defend their rights and to combat discrimination, marginalization, and oppression.

The Declaration took more than two decades to complete. The idea originated in 1982 when the UN Economic and Social Council established its Working Group on Indigenous Populations in response to discrimination faced by Indigenous Peoples. Over the years, Indigenous Peoples from around the world, through the Indigenous Peoples' Caucus and other avenues, helped draft the text, making this the first UN Declaration that was developed with significant input from non-UN delegates.

The Declaration was adopted by the General Assembly of the UN in September, 2007 by a majority of the 144 member states. Only four countries (Australia, Canada, New Zealand, and the United States) voted against it. Later these four countries dropped their opposition to the Declaration. Quakers, particularly the Canadian Friends Service Committee, participated in and supported the passage of the Declaration as a means to address present injustices and prevent future ones.

The Declaration consists of a preamble and 46 articles. The text recognises the wide range of basic human rights and fundamental freedoms of Indigenous Peoples. Among these are the right to unrestricted self-determination; an inalienable collective right to the ownership, use and control of lands, territories and other natural resources; their right to maintain and develop their own political, religious, cultural, and educational institutions, and to protect their cultural and intellectual property.

The Declaration recognizes Indigenous Peoples' right to free, prior, and informed consent for activities of any kind that impact their communities, property, or territories. It also establishes the requirement for fair and adequate compensation for violation of the rights recognized in the Declaration and establishes guarantees against ethnocide and genocide.

The Declaration provides for fair and mutually acceptable procedures to resolve conflicts between Indigenous Peoples and States, including negotiations, mediation, arbitration, national courts and international and regional mechanisms for reporting and examining human rights violations.

Statement from the National Congress of American Indians:

“While it is not binding in law, the declaration represents the highest moral standard for the treatment of the world’s estimated 370 million Indigenous peoples, written as it is in a human rights framework that will guide government policies for indigenous communities and promote the participation of indigenous peoples in the political processes and decisions that affect them.”

Friends and Native Americans

Quakers seek to act in accord with our testimonies. Our testimonies of equality, peace, integrity, community, simplicity, and stewardship can all inform our reflections and actions in the face of centuries of injustice against Native Americans that continues today.

Most of us in the United States live on land stolen from Indigenous People. Although the Quaker William Penn is remembered for his fair treatment of the Native peoples in “his” colony, it is important to remember that he received rights to this land from someone who claimed it only through the Doctrine of Discovery. The 2009 Report of the Indian Committee of the Philadelphia Yearly Meeting states, “In 1681 King Charles II, by authority of his royal “Rights of Discovery,” granted to William Penn (at Penn’s request and as payment of a debt) the lands that became the colony of Pennsylvania. Penn and the Quakers thus, willingly and determinedly took “possession” of Indigenous lands, and in so doing, helped to inaugurate a history of dispossession, actual and cultural genocide, and unending complicity in and perpetuation of injustice.”

Quaker history with Native Americans is mixed, ranging from the admirable actions of Penn and John Woolman to the shame of managing boarding schools where thousands of Indian children were wrenched from their families, abused physically, sexually, and psychologically, and taught to reject their own cultures.

We might reflect on these words of Lucretia Mott, spoken at the Abington Peace Meeting in 1869: “Our friend has spoken of the barbarities which have been practiced towards the Indians, and of their present condition of degradation in contrast with their condition when William Penn landed on this continent. It occurred to me to ask if Friends were truly alive to their situation and to the fact of the treatment they have received from the agents who have been employed by the government and who have wronged them so shamefully, whether there would not have been more frequent and more earnest protests and appeals to the government on their behalf. We have not considered the wrongs of Indians as our own. We have aided in driving them further and further west, until, as the poor Indians said, “You will drive us away, until we go beyond the setting sun.” I wonder if, with the profession we Friends have made, of care for the Indians, we have been active enough in our labor.”

How do Friends respond to Lucretia Mott's question today?

Why Should Friends Approve this Minute Now?

It's reasonable to ask why it matters now to repudiate such an old, dusty, discredited notion as the Doctrine of Discovery. It matters because the Doctrine is still cited as justification for denying Indigenous Peoples' rights in many parts of the world. For example, the 1823 U.S. Supreme Court case *Johnson v. M'Intosh* enshrined the Doctrine of Discovery by ruling that the tribes only have rights of occupancy, not ownership of land. That benchmark case continues to be cited not only in U.S. courts but also in recent Australian, Canadian and New Zealand court decisions. The U.S. Supreme Court relied on *Johnson v. M'Intosh* in 1946, 1955 and 2005 cases.

In light of the discrimination and injustices rooted in the Doctrine of Discovery that Indigenous Peoples continue to suffer, in 2012 the U.N. Permanent Forum on Indigenous Issues called on faith communities to renounce and repudiate the Doctrine of Discovery and to express their support for implementing the U.N. Declaration on the Rights of Indigenous Peoples.

The World Council of Churches responded positively to this call for action. Its Executive Committee issued a statement on February 17, 2012, calling on each faith group to "reflect upon its own national and church history and to encourage all parishes and congregations to seek a greater understanding of the issues facing Indigenous Peoples, to support Indigenous Peoples in their ongoing efforts to exercise their inherent sovereignty and fundamental human rights, to continue to raise awareness about the issues facing Indigenous Peoples and to develop advocacy campaigns to support the rights, aspirations and needs of Indigenous Peoples."

Philadelphia Yearly Meeting, New York Yearly Meeting, Baltimore Yearly Meeting, and Quaker Earthcare Witness, as well as several monthly meetings have already approved Minutes in response to these calls to action. Other Christian denominations are also responding positively (see an incomplete list below). A true movement among communities of faith has the potential to engage many millions of people in spiritual reflection on our historical and current relationships with the Native peoples of the lands where we live. Study and reflection may move us to seek ways to build "right relationship" with Native peoples in our own regions. It may also coalesce into a broader movement that can stimulate political action to revoke the laws and policies that are grounded in the Doctrine of Discovery at all levels of government.

Some Religious Organizations that Have Repudiated the Doctrine of Discovery

Episcopal Diocese of Maine in 2007

Episcopal Diocese of Central New York in 2008

Episcopal Church at its 76th General Convention adopted resolution D035 “Repudiate the Doctrine of Discovery” 2009 www.doctrineofdiscovery.org/episcopalrepud.htm

Philadelphia Yearly Meeting of the Religious Society of Friends in 2010 http://www.pym.org/sites/pym.org/files/im-june-2010-doctrine-of-discovery_2.pdf

General Synod of the Anglican Church of Canada adopted resolution A086 “Repudiate the Doctrine of Discovery” in 2010

New York Yearly Meeting of the Religious Society of Friends in 2012. New York Yearly Meeting also called upon the United States Senate to “enact the legislation that will make UNDRIP [the United Nations Declaration of the Rights of Indigenous Peoples of 2007] the law of the land in the United States of America.” < <http://mother-earth-journal.com/2012/08/19/quakers-repudiate-the-doctrine-of-discovery/> >, <http://www.nyym.org/index.php?q=doc_of_disc_factsheet>

Unitarian Universalists Association at their General Assembly in 2012 called on Unitarian Universalists to study the Doctrine and eliminate its presence from the current-day policies, programs, theologies and structures of Unitarian Universalism. They also published a Study Guide on the Doctrine of Discovery. <http://www.uua.org/multiculturalism/dod/index.shtml>

World Council of Churches (WCC) Executive Committee denounced the “Doctrine of Discovery” in Feb 2012 <http://www.oikoumene.org/en/resources/documents/executive-committee/bossey-february-2012/statement-on-the-doctrine-of-discovery-and-its-enduring-impact-on-indigenous-peoples.html>

Baltimore Yearly Meeting in 2012 approved a Minute to Repudiate the Doctrine of Discovery and Affirm the UN Declaration on the Rights of Indigenous Peoples, http://www.bym-rsf.org/what_we_do/committees/indian/discovery.html

RESOURCES

“This Land Was Your Land:” Seeking Right Relationship with America’s Native Peoples. The Boulder Meeting’s Indigenous Peoples Concerns Committee developed this script, which compresses 500 years of the history of the colonization of the United States into a 30-minute exercise. For copies of the script, contact the committee’s convener, Paula Palmer, paularpalmer@gmail.com.

Dr. Lynn Gehl, Algonquin Anishinaabe-kwe, “Ally Bill of Responsibilities,” <http://www.lynngehl.com/my-ally-bill-of-responsibilities.html>

U.N. Special Rapporteur on the Rights of Indigenous Peoples, “Preliminary study of the impact on indigenous peoples of the international legal construct known as the Doctrine

of Discovery,” <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/231/02/PDF/N1023102.pdf?OpenElement>

Unitarian Universalists, “Discussion Guide for Considering the Report and Responsive Resolution from the UUA Board on the Doctrine of Discovery,” http://www.uua.org/documents/lfd/dod_discuss_guide.pdf

U.N. Permanent Forum on Indigenous Issues, <http://social.un.org/index/IndigenousPeoples.aspx> (links to the U.N. Declaration on the Rights of Indigenous Peoples and other documents and events)

Democracy Now interview with Dr. James Anaya, U.N. Special Rapporteur on the Rights of Indigenous Peoples, concerning the current status of Native Americans, 2012, <http://www.youtube.com/watch?v=dpiflHkRFg>