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Title: Follow-up to the report of Mr. Jean Zeigler Special Rapporteur on the Right to Food focusing on Food Security, Food Sovereignty and the Right to Food for Indigenous Peoples

**United Nations Human Rights Council,  
5th session, June 11 - 18, 2007**

**Written Intervention submitted by the International Indian Treaty**

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In January 2005 the International Indian Treaty Council submitted a formal complaint to Special Rapporteur on the right to food, Mr. Jean Ziegler, addressing the denial of the Right to Food for Indigenous Peoples in the United States.

The specific complaint concerned the Indigenous Peoples of Northern California, particularly the Pit River Tribe, and the Indigenous Peoples of Alaska, particularly the Yupik Community of Gambell, St. Lawrence Island. Pollution and toxic levels of contamination in fish, wildlife and gathering habitats make it impossible for them to continue their age-old practice of traditional hunting, fishing and gathering. The pollution includes widespread mercury contamination from abandoned gold mines which have never been cleaned up in California and military toxics dumped on Indigenous Peoples' lands in Alaska.

Both the Pit River Tribe and the Yupik Community of Gambell formally requested that IITC present this complaint to the Special Rapporteur, and participated actively in collecting testimonies from impacted community members. Their testimonies described the pollution and its detrimental effects not only on their health and means of subsistence, but on their cultures and identity. Deadly pollution has been disproportionately and detrimentally affecting Indigenous Peoples and their subsistence food resources in these and other Indigenous communities in the US for generations.

We understand that the Rapporteur has submitted a formal communication to the United States government on this matter and is still waiting for a response at this time. The IITC and the affected Indigenous Peoples have invited the Rapporteur to visit these areas and other areas in the US in order to see the situation and report to this Council on his findings.

We note with appreciation that the working definition of the right to food used by the Special Rapporteur includes the right "to quantitatively and qualitatively adequate and sufficient food **corresponding to the cultural traditions** of the people to which the consumer belongs..." Because of Indigenous Peoples' inter-connected material and spiritual relationship to the land and the environment, and their long held and culturally based subsistence practices, this

denial of protection of the rights of Indigenous Peoples Right to Food goes beyond sustenance. It threatens their very existence and cultural identity as Peoples.

In this regard IITC is pleased to report to the Council on our work in conjunction with the UN Food and Agriculture Organization to develop and define “Cultural Indicators for Food Security, Food Sovereignty and the Right to Food”. The Special Rapporteur has likewise expressed great interest in the development of this work which contains the input of hundreds of Indigenous traditional food producers, knowledge holders and rights advocates from around the world over the past five years.

This work has been carried out based on the recognition by Indigenous peoples, UN FAO and other UN Agencies that cultural perspectives, frameworks and indicators were the “missing pillar” in international policies related to sustainable development, food security and the right to food.

The “Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development were completed at the 2nd Global Consultation on the Right to Food, Food Security and Food Sovereignty for Indigenous Peoples held from September 7 – 9, 2006. The Global Consultation was hosted by the Consejo Regional Autónomo (Autonomous Regional Council) in Bilwi, Puerto Cabezas, Región Autónoma del Atlántico Norte, Nicaragua and was coordinated by the International Indian Treaty Council (IITC) in partnership with the UN Food and Agriculture Organization/SARD Initiative and el Centro para la Autonomía y Desarrollo de los Pueblos Indígenas, Nicaragua (CADPI).

30 Indigenous experts from 6 regions (North America, Latin America, Africa, Asia, Pacific and Arctic) as well as representatives of the UN Food and Agricultural Organization (FAO), United Nations Permanent Forum on Indigenous Issues, United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNPD) participated. Special Rapporteur Zeigler was also invited but was unable to attend due to an urgent mission in Lebanon, but the message of interest and support that he sent to the Consultation was very much appreciated.

The Cultural Indicators are organized into structural, process and results indicators in the key categories identified by Indigenous Peoples, and affirm a human rights based approach to the issue. The indicators are intended to be used as a framework and tool by UN Agencies and bodies, development institutions, NGO’s and Indigenous communities to assess a range of factors impacting the traditional food systems and cultural relationships to traditional food-related practices of Indigenous peoples. They can also be used to assess and evaluate programs, initiatives and projects for their restoration, protection and continuation on the local/community, regional, national and international levels.

A set of Underlying Principles were identified a basis for Cultural Indicators for Food Sovereignty, beginning with an affirmation of the definition of food Sovereignty as a

prerequisite for Food Security for Indigenous Peoples as defined in the Declaration of Atitlan as follows:

“Food Sovereignty is the right of Peoples to define their own policies and strategies for the sustainable production, distribution, and consumption of food, with respect for their own cultures and their own systems of managing natural resources and rural areas, and is considered to be a precondition for Food Security”

In addition, participants affirmed that food Sovereignty for Indigenous Peoples is:

1. Based on the Rights of Self Determination, Free, Prior and Informed Consent and full and effective participation of Indigenous Peoples at all stages.
2. Based on and inextricably linked to Indigenous Peoples’ right to lands, territories and natural resources.
3. Based on implementing real partnership efforts between Indigenous Peoples, key UN agencies (in particular, FAO, UNDP, UNPFII, WHO), States, NGO’s, agencies, etc. as underscored in the 1<sup>st</sup> and 2<sup>nd</sup> UN Declarations for the International Decades.
4. Based on recognition of the common concerns and perspectives among all Indigenous Peoples as well as respect for the unique, distinct situations and needs of each Indigenous Peoples and each region.
5. Based on the recognition that the Right to Food, Food Security and Subsistence are fundamental inherent human rights of Indigenous Peoples and all Peoples, as is the right of Indigenous Peoples to set their own priorities for their development.

Two sets of indicators were developed at the request of UN FAO and by agreement of the participants. One contained a framework for indicators under each of 11 cross-cutting thematic areas developed by consensus of the participants, based on previous input as well contributions of the participants attending the 2<sup>nd</sup> Global Consultations. The second consolidated this broader list into 5 thematic clusters area in order to facilitate use and applicability by UN bodies and agencies as follows.

- (a) Access to lands, territories, natural resources, sacred sites and ceremonial areas;
- (b) Abundance and scarcity of, and/or threats to, traditional seeds, plant foods and medicines, and food animals, and their associated production practices;
- (c) Use and transmission of knowledge, methods, language, ceremonies, dances, prayers, and oral histories, related to traditional foods and agro-food systems, and the continued use of traditional foods in daily diet;
- (d) Capacity for adaptability, resilience and/or restoration of traditional food use and production;
- (e) Ability of indigenous peoples to exercise their rights of self-determination **and free prior informed consent**

The complete set of indicators in both the full and consolidated formats are available in the final conclusions and recommendations from the 2<sup>nd</sup> Global Consultation, on IITC's web site [www.treatycouncil.org](http://www.treatycouncil.org) or can be provided upon request.

We call this Council's attention to the Special Rapporteur's report to the General Assembly on Indigenous Peoples right to food.<sup>1</sup> He recommends, *inter alia*, that, "All Governments should recognize that indigenous peoples suffer from disproportionately high levels of hunger and malnutrition and take special action to combat the causes, particularly the pervasive discrimination against indigenous peoples," that Indigenous People's human rights should be protected and fulfilled, and that the UN Declaration on the Rights of Indigenous Peoples be adopted.<sup>2</sup>

His report to the General Assembly also included a report on globalization and International Financial Institution sponsored development and its detrimental effects on the right to food. We also call the attention of this Council on a recent finding by the CERD Committee that States are responsible for the violations of Indigenous human rights abroad by a State's registered transnational corporations.<sup>3</sup> International development schemes, particularly transnational mining activities, sometimes financed by the World Bank and related institutions severely and negatively affect Indigenous Peoples. As Mr. Ziegler recognizes<sup>4</sup> and as the cultural indicators reveal, Indigenous Peoples' right to food includes their right of self determination and free prior informed consent, their right to their lands and natural resources, as well as their right to their own means of subsistence and food sovereignty.

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<sup>1</sup> UN Doc. Report of the Special Rapporteur on the Right to Food to the General Assembly, Mr. Jean Ziegler, A/60/350, 12 September 2005.

<sup>2</sup> Id, at V. Conclusions and Recommendations, para. 55, d), g), and f). Mr. Ziegler also recommended that the United Nations Declaration on the rights of Indigenous Peoples, adopted by this Council at its 1<sup>st</sup> Session be adopted by "all governments" to ensure that Indigenous Peoples have access to justice at all levels for violations of their right to food. (para. 55 d).

<sup>3</sup> Concluding Observations of the Committee on the Elimination of Racial Discrimination, Canada, UN. Doc. CERD/C/CAN/CO/18, Unedited XX March 2007, para. 17: "The Committee notes with concern the reports of adverse effects of economic activities connected with the exploitation of natural resources in countries outside Canada by transnational corporations registered in Canada on the right to land, health, living environment and the way of life of indigenous peoples living in these regions (article 2.1d), article 4 a) and article 5e)). In light of article 2.1 d) and article 4 a) and b) of the Convention and of its general recommendation 23 (1997) on the rights of indigenous peoples, the Committee encourages the State party to take appropriate legislative or administrative measures to prevent acts of transnational corporations registered in Canada which negatively impact on the enjoyment of rights of indigenous peoples in territories outside Canada. In particular, the Committee recommends to the State party that it explore ways to hold transnational corporations registered in Canada accountable. The Committee requests the State party to include in its next periodic report information on the effects of activities of transnational corporations registered in Canada on indigenous peoples abroad and on any measures taken in this regard."

<sup>4</sup> See, Fn. 1 herein, Mr. Ziegler's Report to the General Assembly, Part III, The right to food of Indigenous Peoples, particularly Part A, paras 23-26.

We once again express our sincere appreciation to Special Rapporteur Zeigler for his important work and his interest in Indigenous Peoples human right to food and their perspectives and concerns. We urge the member States of the United Nations, all International Financial Institutions and particularly this Council and its members and observer States, to implement his recommendations.

for all our relations.