



General Assembly

Distr.
GENERAL

A/HRC/10/NGO/86
27 February 2009

ENGLISH ONLY

HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL,
ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

Joint written statement* submitted by the Assembly of First Nations- National Indian Brotherhood (AFN), the International Indian Treaty Council (IITC), the International Organization of Indigenous Resource Development (IOIRD) and the Union of British Columbia Indian Chiefs (UBCIC), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Right to Food

Our organizations welcome the opportunity to contribute to the Human Right Council's special dialogue on the Right to Food and to share the perspectives of Indigenous Peoples to this vital discussion.

The Right to Food, and the range of rights required for its full exercise, is affirmed in an array of international instruments. Notably, Article 1 in common of the two International Covenants affirms the right of all peoples to freely pursue their economic social and cultural development, as well as their own means of subsistence.

Likewise, the UN Declaration on the Rights of Indigenous Peoples affirms in Article 20 that **"Indigenous peoples have the right...to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities."** Many other articles, including Article 26 on land and Natural Resources, and 37 on Treaties also affirm rights that are essential to the exercise of the Right to Food for Indigenous Peoples.

In January of this year, our delegations voiced our strong support for the recommendations of the Human Rights Council Advisory Committee's Drafting Group on the Right to Food, in particular draft recommendation 5, "that the implementation of the concept of Food Sovereignty should be considered".

Food Sovereignty for Indigenous Peoples was affirmed as a "precondition for Food Security" in the **"Declaration of Atitlan"** from the 1st Indigenous Peoples' Global Consultation on the Right to Food and Food Sovereignty (Guatemala, 2002). This Declaration also affirmed that Food Sovereignty for Indigenous Peoples is a **collective right** based on rights to our lands, territories and natural resources, the practice of our cultures, languages and traditions, and is essential to our identity as Peoples.

Subsistence Rights are also recognized in many of the legally-binding international Treaties which our ancestors entered into with settler governments and their predecessors. For example, Treaty No. 6 entered into by Indigenous Nations, including the Cree Nation, and the Crown binds the Canadian Government to ensure our subsistence rights for **"so long as the sun shines, the grass grows and the rivers flow."** Our ancestors, at Treaty time, secured our traditional avocations of hunting, fishing, gathering and trapping for food during all seasons.

Our organizations warmly thank the UN Special Rapporteur on the Right to Food Mr. Jean Ziegler for his recognition of the importance and scope of Food Sovereignty for Indigenous Peoples. In his Interim Report to the UN General Assembly [UN Doc A/60/350] on 12 September 2005, the Rapporteur recognized that in most countries "hunger and malnutrition are disproportionately higher among indigenous than non-indigenous populations" and that "it is therefore urgent to strengthen the protection of the right to food of indigenous peoples, including by improving the protection of their lands and resources". In this report, the Rapporteur also affirmed states' obligations "to respect, protect and fulfill the right to food of indigenous peoples".

We also thank the UN General Assembly for its resolution of 13 March, 2008, which “***Stresses also its commitments to promote and protect, without discrimination, the economic, social and cultural rights of indigenous peoples, in accordance with international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples***” [GA res 62/164, 13 March 2008 on the report of the Third Committee (A/62/439/Add.2), The right to food, paragraph 12].

We regret to report to the Council that a range of factors, including Treaty violations, failure to respect human rights including Free Prior and Informed Consent, imposed development, environmental contamination and Climate Change are seriously impacting the Right to Food for Indigenous Peoples around the world.

In particular we note the impacts, as well as in some cases, the market-based “mitigations” to climate change, which are severely affecting the ability of Indigenous Peoples to practice their means of subsistence and exercise their right to food around the world. Examples include:

- Indigenous Peoples in Tuvalu, among others Pacific Island Nations, report rising sea water into the fresh ground water tables, contaminating water used for both drinking and growing traditional crops;
- The 2006 *Stern Review*, commissioned by the UK Treasury to assess the economic impacts of climate change estimated that the overall production of Maize in the Andes and Central America could drop by 15% by 2055 as a result of global warming;
- In its 2007 paper “*Climate Change, An Overview*”, the UN Permanent Forum on Indigenous Issues Secretariat addressed threats to Indigenous Peoples of all regions. Regarding Africa the UNPFII paper stated that “As their traditional resource base diminishes, the traditional practices of cattle and goat farming will no longer survive. There are already areas where indigenous peoples are forced to live around government drilled bores for water and depend on government support for their survival. Food security is a major issue for indigenous peoples residing in the deserts and they are on the frontline of global climate change.”
- The UNPFII paper reported that “polar regions are now experiencing some of the most rapid and severe climate change on earth...Indigenous peoples, their culture and the whole ecosystem that they interact with is very much dependent on the cold and the extreme physical conditions of the Arctic region. Indigenous peoples depend on hunting for polar bears, walrus, seals and caribou, herding reindeer, fishing and gathering not only for food to support the local economy, but also as the basis for their cultural and social identity”...
- An recent article quoting Inuit Indigenous Peoples from Alaska (August 29, 2008, Washington Post) furthered confirms the catastrophic crisis facing Indigenous Peoples in the Arctic: “*Inupiaq Eskimos in Alaska are seeing fewer and fewer walruses, an important source of food and income. This year, the residents of King Island failed to capture a single walrus. That means they will go without meat for the winter and they won't be able to market goods made out of walrus parts.*”
- In North America, fish which are vital as subsistence foods as well for cultural and

ceremonial practices of many Indigenous Peoples are much less plentiful. This is particularly true for salmon as an “indicator species” which is extremely sensitive to any environmental change. A study cited in the 2008 North America Regional Report to the UNPFII7 from the Upper Fraser Fisheries Conservation Alliance in British Columbia [Canada] documented dramatically decreasing sockeye salmon runs in the upper Fraser River. The report showed 700,000 fish returned in the early Stuart run in 1993, but those numbers fell to 100,000 by 2005. Scientists involved in the study report that part of the problem is due to climate change, which has pushed the temperature of the Fraser River up by about half a degree over the past 50 years.

The North America Regional Report to UNPFII8 further stated that “Indigenous Nations and Peoples around North America are experiencing the impacts of climate change in their communities and traditional lands. These include the disappearance of traditional subsistence foods, including wild game, fish, berries, wild plants and traditional food crops and plant medicines. Water levels are rising in coastal areas and water tables, lakes, streams, rivers and springs are being diminished inland...”

It cannot be emphasized enough that when traditional subsistence (hunting, gathering, herding, fishing and farming) activities are no longer able to be practiced, significant aspects of the affected Peoples’ ceremonial ways of life, traditional knowledge and identity are profoundly affected. In some cases they will disappear completely.

We greatly appreciate that the human rights impacts of Climate Change including on the Right to food will be also addressed in agenda of this session of the Council and we thank the office of the High Commissioner on Human Rights for its preparation of a report which takes the concerns of Indigenous Peoples into account in this regard.

We also express our appreciation to the UN Food and Agriculture organization for recognizing and affirming the profound relationship between Indigenous Peoples' traditional cultures, their rights and access to land and natural resources including water, and their Right to Food. The “*Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development*”, developed in partnership with FAO, IITC and Indigenous Peoples from around the world, underscore the necessity of a rights- and culturally-based approach to assess obstacles and develop sustainable solutions to ensure the Right to Food for Indigenous Peoples.

We look forward to reviewing the report submitted for this session by the new Special Rapporteur on the Right to Food, Olivier de Schutter in greater detail and to providing him with additional information from Indigenous Peoples. Our organizations are committed to participate actively in the work of the Human Rights Council, in the spirit of cooperation and partnership, to address this vital human rights concern for the well-being of all Peoples.
