

Eleventh Session of the United Nations Permanent Forum on
Indigenous Issues- May 7-18, 2012- New York City

Intervention of the Pacific Caucus.

Item #6: Half-day Discussion on the Rights of Indigenous Peoples to Food and Food Sovereignty

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Aloha Mai Kākou. My name is Donna Ann Kameha`iku Camvel. I come from the land of
`Ioleka`a in the Hawaiian Islands.

Greetings to the Haudenosaunee, Chairman High Chief Edward John, and members of the
Permanent Forum on Indigenous Issues.

We have 8 recommendations regarding the Rights of Indigenous Peoples to Food and Food
Sovereignty.

1. We ask that the Permanent Forum recommend to the Economic and Social Council that it commission a study under the FAO (Food and Agriculture Organization of the United Nations) to incorporate the findings of the 2007 "Report of the Secretariat on Indigenous Traditional Knowledge"¹ to interface with Article 8 (j)² of the CBD (Convention on Biological Diversity), and Article 7³ of the Nagoya Protocol as part of a comprehensive protection mechanism for Indigenous sacred foods or Indigenous bio-heritage.
2. We ask that the forum recommend the establishment of a framework by which this commissioned study can acknowledge and incorporate the protection and safeguarding of Indigenous sacred or cultural foods as part of the bio-heritage right indicative in Articles 3, 8 paragraph 1 (a), 11, 12, 19, 25, 28, 31, and 40 of the United Nations Declaration on the Rights of Indigenous Peoples.

¹ E/C. 19/2007/10.

² Convention on Biological Biodiversity (CBD) Article 8(j) states: Traditional Knowledge, Innovations and Practices: Each contracting Party shall, as far as possible and as appropriate: Subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices.

3. Nagoya Protocol: Article 7. Access to Traditional Knowledge Associated with Genetic Resources. In accordance with domestic law, each Party shall take measures, as appropriate, with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities is accessed with the prior and informed consent or approval and involvement of these indigenous and local communities, and that mutually agreed terms have been established.

3. We ask that the forum facilitate and coordinate, within the scope of this framework, a discussion on the recognition of and protection for sacred foods within the appropriate mechanisms already in place such as but not limited to, the UN DRIP, ICESCR, CBD, FAO, and the International Treaty on Plant Genetic Resources for Food and Agriculture.
4. We ask the forum to encourage the United States to become a member of the CBD (Convention on Biological Diversity) which prescribes it's parties to enact national bio-prospecting legislation, and to consider signing the Nagoya Protocol as a means of participation in food security and food protection issues.
5. We call upon the government of Chile to respect the rights of the Indigenous Peoples of Rapanui to their traditional seeds, medicinal plants, traditional knowledge, and practitioners. We strongly urge the government to abide by Article 19 of the Declaration that explicitly states "Free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them."
6. We call upon the government of New Zealand to withdraw consideration of its Food Bill which breaches numerous human rights issues and that the Permanent Forum request an urgent revision of WTO rules and powers, in particular those which appear to enable the WTO to override State Sovereignty – a situation which itself is contrary to the very values upon which the United Nations is based.
7. We recommend that member states, private organizations and United Nations Agencies, when undertaking environmental impact assessments and developing sustainable biodiversity plans, include research data and management plans made in cooperation with affected Indigenous Peoples as to their cultural and spiritual connection to local food sources.
8. Finally, we ask that the United Nations Committee on Decolonization re-inscribe Hawai'i on the list of non-self-governing territories.

All people have the fundamental human right to the access, production, harvesting, and consumption of foods that are healthy and safe. The Manifesto on the Future of Food,⁴ in particular principals 9, stating the right to an Indigenous and cultural identity, and 15, which states its "opposition to the commercial patenting and/or monopolization of life forms" are mandates "towards an ecologically and socially sustainable agriculture and food system."

Food security is about protecting the genetic integrity and growth of foods which are deemed sacred in their customary use and practices by Indigenous Peoples. These foods do not only sustain the body physically, but provides spiritual nourishment. Article 25 declares the right to maintain and strengthen our distinctive spiritual relationship with our lands, territories, waters, coastal seas and other resources. These belong to future generations and must include sacred foods as part of an Indigenous bio-heritage right.

⁴ The International Commission on the future of Food and Agriculture. *Manifesto on the Future of Food*. 2006. This manifesto is the outcome of a joint effort among participants in the meetings of the International Commission on the Future of Food during late 2002 and early 2003 in Tuscany, Italy. The Government of the Region of Tuscany actively participated in and supported the Commission's work. The Manifesto is intended as a synthesis of the work and the ideas espoused by hundreds of organizations around the world, and thousands of individuals, actively seeking to reverse the present dire trend toward the industrialization and globalization of food production.

Indigenous Peoples of the Pacific have a unique relationship to their lands. For kānaka`ōiwi, creation chants connect them to the land, in particular to kalo (*Colocasia esculenta*) or taro. It is the kalo that solidifies the connection of land and blood to kānaka `ōiwi and is now being threatened with genetic modification and bio-patenting. The genetic manipulation of kalo is an affront and an act of cultural desecration. The attempt to patent the kalo is nothing more than the theft of the bio-heritage rightfully belonging to the Indigenous Peoples of Hawai`i.

In 2003, the Native Hawaiian Intellectual Property Rights Conference was held in Hawai`i at which the Paoakalani Declaration⁵ was the result. This declaration set forth “the rights and responsibilities surrounding the protection and use of Kanaka Maoli traditional knowledge.”

In 2005 The UNFPII Technical Workshop on Indigenous Traditional Knowledge in Panama recommended that “the UNPFII should encourage the further elaboration of the concept of “Collective bio-cultural heritage” as the framework for standard setting activities on Indigenous traditional knowledge.” The Articles of the Convention on Biological Diversity (CBD) in particular, Article 8 (j), acknowledges the forum as an important place for presenting Indigenous perspectives for the maintenance of traditional knowledge, stewardship of traditional lands and waters, customary and usual practices in the use of biodiversity and the right for Indigenous Peoples or their communities to require free prior and informed consent.

The Pacific Caucus supports the Jokkmokk Agreement⁶ statement (made 19 June 2011 in Sweden) that Food Sovereignty is the right of all peoples, including Indigenous Peoples, to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.

In Central and South America, salmon, wild rice and corn have been subjected to genetic modification. In the Pacific, taro. These foods have a traditional and spiritual foundation in the belief systems of Indigenous Peoples. Sacred foods are the bio-heritage of Indigenous Peoples and as such must be included in mechanisms that protect these foods against bio-prospecting, bio-genetic engineering, and bio-piracy, as part of the Indigenous traditional knowledge base.

The industrialization of agriculture has placed food within a global and technological context slowly replacing traditional farming with mono-cropping. This mechanized system co-opts and is systematically replacing sustenance farming to the great detriment of Indigenous Peoples. Environmental and weather altering engineering and modifications have subjected Indigenous Peoples and their communities to stratospheric aerosol spraying of food crops and their environment.

⁵ 2007 Paoakalani Declaration: Kū I Ka Pono: Develop a code of conduct/standards for best practices, which private industries, academics and academic institutions, and government must observe before and during the use (such as visual, audio or written recording) of our traditional knowledge, cultural expressions and art forms, and natural and biological resources. Develop a sui generis system for protection of our intellectual property and related traditional knowledge and biological diversity and support its enactment into law.

⁶ The Jokkmokk Agreement was crafted by Indigenous Peoples from Africa, the Americas, Russia, Arctic, Asia, Oceania and Europe at a conference in Jokkmokk, Sapmi, Sweden, June 17th – 19th 2011.
<http://agrobiodiversityplatform.org/par/2011/06/29/the-jokkmokk-agreement/>

Extractive industries and loss of lands contribute to the depletion of customary or traditional foods and because state environmental impact statements fail to consider Indigenous Peoples rights to hunt, fish, and gather from traditional food sources and places, Indigenous communities must have the right to initiate and manage their own food security programs which include issues of land reclamation, land acquisition, and the right of access to customary and traditional lands.

We look to the Permanent Forum to set a standard for the protection of Indigenous sacred foods and the right to an Indigenous bio-heritage, as part of the Indigenous traditional knowledge base and as such, requiring protection from any kind of genetic modification, interference or theft.

The Pacific Caucus thanks you for hearing our concerns regarding food security and food sovereignty. We also thank you for the inclusion of our interventions as part of the record regarding the genetic modification of indigenous sacred foods or bio-heritage.