



**United Nations Permanent Forum on Indigenous Issues
Eleventh session 2012**

Half Day Discussion on the Right of Indigenous Peoples to Food and Food Sovereignty

**Monday, 14 May, 2012
10 am - 1 pm
Conference Room 1, United Nations, New York**

Note by the Secretariat of the United Nations Permanent Forum on Indigenous Issues

INTRODUCTION

During its tenth session, the United Nations Permanent Forum on Indigenous Issues (UNPFII) decided to devote a half day discussion on the right of indigenous peoples to food and food sovereignty for the purpose of identifying the issues, challenges and positive measures of cooperation to improve and preserve their food systems, as well as ensuring their right to food and food sovereignty. Representatives from the United Nations system, relevant Governments, regional intergovernmental institutions and organizations, and indigenous peoples' organizations are invited to contribute to this discussion.

BACKGROUND

Over the years indigenous peoples have expressed deep concerns over the obstacles and challenges their communities face in fully enjoying their right to food. Indigenous peoples have urged the Special Rapporteur on the Right to Food to address the question of the right to food of indigenous peoples as a separate question to his work. The Declaration of Atitlán drafted at the First Indigenous Peoples' Global Consultation on the Right to Food in April 2002 in Guatemala stated:

“the denial of the Right to Food for Indigenous Peoples not only denies our physical survival, but also denies us our social organization, our cultures, traditions, languages, spirituality, sovereignty, and total identity; it is a denial of our collective indigenous existence.”¹

¹ A/60/350 *Right to Food, Note by the Secretary General*, (2005) p.8.

In international law, the right to adequate food and the fundamental right to be free from hunger apply to everyone without discrimination, yet the right to food of indigenous peoples is frequently denied or violated, often as a result of systematic discrimination or the widespread lack of recognition of indigenous peoples' rights. The levels of hunger and malnutrition among indigenous peoples are often disproportionately higher than among the non-indigenous population, and yet they often do not benefit from programmes designed to fight hunger and malnutrition or to promote development. Moreover, inappropriate development efforts often intensify the marginalization, poverty and food insecurity of indigenous peoples, failing to recognize indigenous ways of securing their own subsistence and ignoring their right to define their own path toward development.

It has long been understood that due to the historical processes of colonization, exploitation and political and economic exclusion, indigenous peoples are among the most vulnerable to poverty, hunger and malnutrition. The right to food is directly linked to the situation of extreme poverty under which many indigenous peoples live. One of the earliest international studies was carried out in 1953 by the International Labour Organization (ILO), which found that the living standards of indigenous populations were extremely low, considerably lower than those of the non-indigenous population.² Three decades later, the Special Rapporteur of the Subcommission José Martínez Cobo found that indigenous peoples were at the bottom of the socio-economic scale.³ In a study published in 1994, the World Bank found that "poverty among Latin America's indigenous population is pervasive and severe" and that "the living conditions of the indigenous population are generally abysmal",⁴ and in an update carried out in 2004, found that little progress had been made.⁵

A study undertaken by the Inter-Agency Support Group for the Permanent Forum on Indigenous Issues indicated that despite widespread awareness of the vulnerability of indigenous peoples, there is a lack of disaggregated data on the situation of indigenous peoples and therefore often little information available about the exact extent of hunger and malnutrition.⁶ The general lack of information gathering often reflects the reluctance of States to recognize the issues faced by their indigenous populations.

Understanding what the right to food means to indigenous peoples is far more complex than merely examining statistics on hunger, malnutrition or poverty. Many indigenous peoples have their own particular conceptions of food, hunger, and subsistence. In general, it is difficult to conceptually separate indigenous peoples' relationships with food from their relationships to land, resources, culture, values and social organization. Food, procurement and consumption of food are often an important part of culture, as well as of social, economic and political organization. Many indigenous peoples understand the right to adequate food as a collective right. They often see subsistence activities such as hunting, fishing and gathering as essential not only to their right to food, but to nurturing their

² International Labour Office, *Indigenous Peoples. Living and Working Conditions of Aboriginal Populations in Independent Countries*, Geneva, International Labour Office, 1953, p. 89.

³ Study of the problem of discrimination against indigenous populations, E/CN.4/Sub.4/1986/7/Add.4

⁴ World Bank, *Indigenous People and Poverty in Latin America: an Empirical Analysis*, Washington, 1994, pp. 206-207.

⁵ World Bank, *Indigenous Peoples, Poverty and Human Development in Latin America: 1994-2004*, Washington, 2005

⁶ E/C.19/2003/4.

cultures, languages, social life and identity. Their right to food often depends closely on their access to and control over their lands and other natural resources in their territories. For many traditional communities, especially those living in remote regions, access to hunting, fishing and gathering grounds for their subsistence livelihoods is essential for ensuring their adequate nutrition, as they may have no physical or economic access to marketed food.⁷

The realization of indigenous peoples' right to food often depends crucially on their access to and control over the natural resources in the land and territories they occupy or use. Only then can they maintain traditional economic and subsistence activities such as hunting, gathering or fishing that enable them to feed themselves and preserve their culture and distinct identity. Yet for centuries, indigenous peoples have been dispossessed of their land, resources and access to water and that trend continues today. Industrial development, especially mining and forestry, as well as urban sprawl have taken and polluted land, water and air. Hunters, fishers and gatherers have been confined to smaller and smaller areas due to the creation of land reserves, national parks, private lands and over-fishing. This affects not only the ability of indigenous peoples to eat and use customary foods, but has undermined the very fabric of indigenous communities and the foundations of traditional knowledge.

Food insecurity in remote regions, demonstrates the extremely difficult situation that is experienced in many indigenous communities today. In remote regions, indigenous peoples are heavily dependent on a traditional subsistence diet based on the land and water that surrounds them. However, traditional food species are jeopardized by changing environmental conditions due to climate change. At the same time, the food for sale in stores is very expensive and there are also severely limited choices for fresh produce.

Another major concern for indigenous peoples is the loss of their genetic resources and traditional knowledge. Indigenous peoples are concerned that recent developments in international intellectual property rights regimes could represent a threat to indigenous access to and control over plant and animal genetic resources, as well as to community knowledge gained over generations. There are concerns about "bioprospecting" and the appropriation or "biopiracy" of their traditional knowledge and folklore, in particular, the curative and nutrition properties of plants and animals. Indigenous peoples want to be consulted about the ways their knowledge is used, and to equitably share in any benefits.

Indigenous peoples, like everyone else, have a right to adequate food and a fundamental right to be free from hunger. This is stipulated in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 and constitutes binding international law. This means states parties to the ICESCR are obliged to implement the right to food domestically, ensuring that it becomes part of their national legal system. The right to food entitles every person to an economic, political, and social environment that will allow them to achieve food security in dignity through their own means.

The United Nations Declaration on the Rights of Indigenous Peoples states that indigenous peoples have the right to fully enjoy as a collective or as individuals, all human rights and

⁷ A/60/350 *Right to Food, Note by the Secretary General*, (2005)

fundamental freedoms. The UN Declaration recognizes the right to self-determination and rights over land and resources, acknowledging the historical injustices of colonization but also addressing contemporary threats posed by globalization, offering protection of traditional knowledge, biodiversity and genetic resources, and setting limits to activities of third parties on the territories of indigenous communities without their consent.

The obligation to fulfil the right to food requires States to take steps to address the marginalization, hunger and poverty of indigenous communities, with respect to indigenous peoples' own priorities, in order to ensure their integrity and cultural survival. The obligation to facilitate indigenous peoples' right to food requires States to take positive actions to facilitate the capacity of indigenous communities to feed themselves, such as formally recognizing and demarcating indigenous territories to enable them to carry out subsistence activities. States also have an obligation to respect the right of indigenous peoples to determine how best to improve their food security and to pursue their own priorities for development. States are always required to prevent starvation and ensure access to food, by facilitating the provision of marketed food where necessary and providing emergency food in situations of crisis. States have an immediate obligation to take action against discrimination against indigenous peoples in terms access to land, employment and other productive resources. This requires not only overturning discrimination, but also addressing de facto discrimination against indigenous peoples that contributes to their hunger and malnutrition.⁸

Topics for discussion:

Each panelist will briefly address one or more of the major issues on the Rights of Indigenous Peoples to Food and Food Sovereignty (10 minutes each) focusing on the challenges, good practices and policy recommendation for future action. The panelists' introductions will be followed by interventions from Permanent Forum members, indigenous peoples' organizations, United Nations agencies and States.

Presentation:

Saul Vicente, Member of the Permanent Forum on Indigenous Issues

Panelists:

Video statement from Mr. Oliver de Schutter, Special Rapporteur on the Right to Food

Video statement from Mr. Jose Graziano Da Silva, Director General of FAO

Saudata Aboubacrine, International Planning Committee on Food Sovereignty

Joan Carling, General Secretary of the Asian Indigenous Peoples Pact Foundation

Mr. Carlos Petrini, President of Slow Food

Representative of Brazil

Audience:

The half day discussion on the rights of indigenous peoples to food and food sovereignty will take place during the eleventh session of the United Nations Permanent Forum on Indigenous Issues on Monday 14 May 2012 in Conference Room 1 of the North Lawn Building at United Nations Headquarters from 10 am to 1pm. Members of the UNPFII,

⁸ Ibid.

Member States, United Nations agencies, funds and programmes, indigenous peoples' organizations, non-governmental organizations and media are invited to participate.