



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2004/NGO/103
3 March 2004

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixtieth session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Written statement* submitted by the International Indian Treaty Council (IITC),
a non-governmental organization 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.

[31 January 2004]

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

The well-being and very existence of Indigenous Peoples and their traditional food systems cuts across and encompasses economic, social and cultural concerns, and draws attention to the fundamental link between biological and cultural diversity.

Certain plant and animals are at the heart of the traditional social and economic/trade structures and systems, subsistence practices and livelihoods, medicinal treatments, language systems and millennial spiritual practices upon which our diverse cultural identities and survival depend. Our survival, in turn, is fundamental to the diverse, time-tested food production and resource management practices that provide nourishment to all of the world's Peoples.

The Right to Food is a human right recognized in many international instruments. Article 1 in common of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR), states that all peoples, by virtue of their right to Self-Determination, may freely pursue their own economic, social and cultural development, and freely dispose of their natural wealth and resources. It also states that, "in no case may a people be deprived of its own means of subsistence."

Article 23, paragraph 1 of the Universal Declaration of Human Rights states that, "everyone has the right to a standard of living adequate for the health and well-being of himself & of his family, including food, clothing, housing, medical care and necessary social services."

General Comment 23 of the Human Rights Committee, the treaty monitoring body of the ICCPR, refers to ICCPR Article 27 as follows:

7. With regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities such as fishing or hunting, and the right to live in reserves protected by law. The enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions that affect them.¹

Yet effective participation by Indigenous Peoples and their free, prior and informed consent with regard to development practices in and near their communities continues to be denied, resulting in imposed development that depletes, degrades and contaminates traditional foods sources and drinking water. Current threats to Indigenous Peoples' local food systems are critical, undermining sustainability and human health, and violating the right to self-determination in economic, social and cultural activities.

As noted in the report by Special Rapporteur Mr. El Hadji Guissé on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation (E/CN.4/Sub.2/2002/10), agro-industry and extractive industries are responsible in large part for this increasing depletion and degradation.

¹ Human Rights Committee, General Comment 23 (fiftieth session, 1994).

During the 59th session of the UN Commission on Human Rights, Traditional Elder Kee Watchman, Dineh (Navajo) of Cactus Valley/Red Willow Springs Sovereign Community of Big Mountain, Arizona, USA testified that his People traditional lands and waters are under threat from Peabody Western Coal Company as well as the United States government and Bureau of Indian Affairs, which plan to extend strip-mining in the area.

“Water is life... to Indigenous cultures and to many other cultures of the world, water is sacred,” he said, explaining that his People’s aquifer is in danger because Peabody Western Coal Company has been pumping its waters for over 30 years to slurry coal over 287 miles away to generating stations that provide electricity to large cities. “More than 3 million gallons of water is pumped from our homelands every day for this slurry,” he added. “Our sacred springs are drying up now, and our sheep can’t find water to drink and our corn needs the water to grow.” In January of this year Mr. Watchman submitted additional testimony to the IITC stating that contaminated water from mine run-offs have now destroyed the wild onions, garlic and spinach plants used for food as well as plants used for medicine in the Blue Canyon area near his community.

Profound relationships exist between Indigenous Peoples and the animals and plants that are central to their respective, traditional food systems. According to Pit River Tribal representatives and elders, the salmon depicted in their People’s flag “stands for the cycle of life and revitalization of both the Nation and the salmon. It depicts the reliance of Indian Nations on the salmon and on all of the natural world for their survival.” Many other Indigenous communities throughout California, like the Elem Pomo, rely on the local waters and fish. Yet by 1999 a total of 13 Northern and Central California bodies of water were the subjects of fish consumption advisories due to contamination caused by hundreds of tons of mercury contamination, a toxic legacy of California Gold Rush.

James Main, Sr., a White Clay (Gros Ventre) elder from Montana, USA provided information in for a case study submitted by the IITC to the Convention on Biological Diversity COPS 7 in Kuala Lumpur about the spiritual value of the Fur Cap or Little Rocky Mountains in his homeland, and the devastation wreaked there for 20 years by the heap leach cyanide extraction process of the Pegasus Gold Mine.

“Some of [us] got power up there, you know, for healing and helping people... but they poisoned it, you know. People used to haul water out of there in barrels, go up there with a team of horses, their wagons, fill their barrels, real nice cold clear water. Lots of fish in there, trout.” He adds, “All that, they just destroyed it, all the grasses, all the plants and killed the deer. They poisoned deer in those [cyanide] pits. They found a lot of dead deer and deformed deer. Birds, they say that when they come to work at those settling ponds there’d be dead ducks, so they’d shoot them with a .22 so they’d sink you know, wouldn’t be floating on the surface.”

At the 3rd World Water Forum in Kyoto, Japan in March 2003, UNESCO recognized the important contributions of Indigenous Peoples to the world’s cultural diversity, and recommended that governments and industry give Indigenous Peoples’ rights their due attention. Indigenous Peoples have articulated clear positions on cultural aspects of food and water through a number of international gatherings, declarations and other initiatives. In April 2002, a consensus of 125 Indigenous delegates (farmers, hunters, pastoralists, fish gatherers and

others) from 28 countries produced the “Declaration of Atitlán” at the first Indigenous Peoples’ Global Consultation on the Right to Food and Food Security. Its recommendations were presented during the World Food Summit +5, and are directed towards states, industry and multilateral institutions, as well as towards Indigenous Peoples.

The Declaration’s preamble underscores that “the denial of the Right to Food for Indigenous Peoples not only denies us 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”.

We urge the members of the Commission to review the Declaration of Atitlan as a record of Indigenous Peoples’ positions on the Right to Food in the context of Economic, Social and Cultural Rights, and as a global and regional analysis of the barriers to the full enjoyment of these Rights.

In 2003, with the support of the Food and Agriculture Organization, the IITC conducted a survey initiative among Indigenous Peoples on cultural indicators for sustainable agriculture and rural development. It was circulated internationally and yielded 128 responses from all regions.

Overwhelmingly, respondents to the survey underscored the importance of their traditional food systems to the maintenance of culture and spirituality. Many respondents noted that development schemes carried out in their communities without their consultation, agreement or participation weaken their ability to maintain their traditional means of subsistence and, thereby, their physical and mental health. Only 16% of the food or food-related service programs and projects carried out in their communities by non-Indigenous entities included effective community involvement in planning and implementation. Some communities did not receive *any* prior information. Respondents also emphasized that loss of habitat is directly linked to the loss of culture and destruction of livelihoods.

IITC reiterates its appreciation for the interest expressed by the Rapporteur on the Right to Food about Indigenous Peoples’ concerns, and is encouraged by the extension of his mandate for an additional three years. We strongly encourage him to recognize the fundamental link between Indigenous Peoples’ food systems, food security and traditional cultures, and to examine the impacts of environmental degradation and imposed non-sustainable development on the ability of Indigenous Peoples to practice their own means of subsistence. We also urge him to take into account the Declaration of Atitlán and the results of the Questionnaire on Cultural Indicators when reviewing cases put before him, and when working in collaboration with other Rapporteurs whose specialties are relevant to the economic, social and cultural concerns of Indigenous Peoples.

All my relations.
