



## **Contributions for the Zero Draft of the CFS Voluntary Guidelines on Food Systems and Nutrition** Submitted by the International Indian Treaty Council

IITC is a Non-Governmental Organization (NGO) with General Consultative Status to the United Nations Economic and Social Council. The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America, the Caribbean and the Pacific working for the Sovereignty and Self Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Treaties, Traditional Cultures and Sacred Lands.

There is an urgent need to recognize and affirm the United Nations Declaration on the Rights of Indigenous Peoples as the lens through which the CFS Voluntary Guidelines on Food Systems and Nutrition should be developed and implemented. IITC emphasizes in particular the impacts of colonization, dispossession of lands, territories and resources, and the “urgent need to respect and promote the inherent rights of Indigenous Peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources.”<sup>1</sup>

Indigenous Traditional knowledge holders, Indigenous farmers and other Indigenous food producers can make vital contributions to impact global policies and decisions that affect us on themes such as climate change, food and seed sovereignty, sustainable development, cultural heritage and bio-diversity based on the richness of our living cultures, Indigenous sciences and knowledge systems. These vital contributions must be made in a context of a rights based approach, one that reflects the histories, challenges and issues that are unique to Indigenous Peoples worldwide.

As of now the Zero Draft of the CFS Voluntary Guidelines on Food Systems and Nutrition (Zero Draft) excludes the history of colonization of Indigenous Peoples, and in so doing (inadvertently or not) perpetuates the ongoing exclusion of Indigenous Peoples in all their diversity.

It is not enough to simply include Indigenous Peoples in a few discrete “lists” of vulnerable populations. It would be a major step backward in international law if these standards go ahead without the very important recognition of the role of the Declaration on the Rights of Indigenous Peoples. The Declaration was developed for a number of very good reasons, not least of which was the ongoing exclusion of Indigenous Peoples from the benefit of international human rights and environmental standards.

To us, this manifests in the worst ways - by effectively silencing our unique and diverse voices by portraying us as a singular culture, entity, or category (i.e. only as “vulnerable”). Alternatively we are urged to try and fit ourselves into another category like “campesino” for the purposes of advocacy and

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<sup>1</sup> Preamble, United Nations Declaration on the Rights of Indigenous Peoples.



representation - which we are certain would not be agreed to by Inuit, Cree or many other Indigenous Peoples in the northern hemisphere. The previous absence or limited participation of diverse Indigenous Peoples in processes related to these Guidelines is not a good reason to continue to peripheralize their representation in these Guidelines. We implore you to decide that you will not leave us behind in the development and implementation of these Guidelines.

We do understand that this is probably not the conscious objective of the drafters of the Zero Draft. In fact, we can picture how the conversation went: “If we include specific reference to Indigenous Peoples, we will have to list everyone else in order to be fair - therefore in the interests of expedient drafting and arriving at a document that makes sense for *everyone*, we will limit their reference to a few places where we are concerned about particularly vulnerable groups.”

This is exactly the same (well-intentioned) argument so often used in international processes that are not Indigenous specific. The actual result of this approach is to uphold and in fact promote the continued oppression of Indigenous Peoples by erasing us in a different way than before.

Prior to 1977, we were not allowed on United Nations grounds. We could not attend or advocate at any UN meeting. From 1946-1977, it was probably most beneficial for all countries concerned to disallow us on UN grounds, so they could continue reaping the benefits of colonization and make global decisions without disruption from Indigenous Peoples. We would argue that in fact the United Nations did not really recognize us as having a role in the UN family until 2007, when the UN Declaration was passed by the General Assembly.

When we as an organization participated in the drafting of the Sustainable Development Goals, we saw the ongoing dwindling of any reference to Indigenous Peoples in goals and targets as they evolved through negotiations. Many States and members of Civil Society assured us that we would not be left behind, that the lack of reference to us specifically would not diminish how the SDGs would be applied. Many State representatives told us “just because you are not referenced does not mean we will forget you.” And yet, for the most part, that is in fact what has happened. These same people will not always be in their positions, either as State or Civil Society representatives. Perhaps it is because we managed to hold on to a specific reference in just a few of the SDGs that subsequent governments and NGOs who were not at the negotiations think those are the only places that Indigenous Peoples might have a role to play.

In drafting new international standards, it is incumbent upon the drafters to think not only of the status quo or current factors influencing their development, but also to consider both history and future.

If the Zero Draft were to proceed as written, and if subsequently applied by a State in an Indigenous Treaty area, Nation or territory: the result would be uneven, potentially unjust and certainly unethical. The Zero Draft requires the addition of the UN Declaration on the Rights of Indigenous Peoples, and specific



reference to various articles in order to achieve the desired outcomes. Colonization, land-grabbing, contamination and development has led to the widespread loss of access and outright usurpation of lands, territories and resources that are needed for the practice of Indigenous food systems and related healthy and sustainable diets. For Indigenous Peoples food security, health and nutrition is based on and inextricably linked to their inherent rights to lands, territories and natural resources. To ignore this connection is to miss an opportunity to accurately and fairly portray the rights of Indigenous Peoples in the context of food systems and nutrition.

An analysis should be done by States on previous voluntary guidelines to see what elements work together and which do not. For example, there are voluntary guidelines related specifically to Indigenous Peoples. Have they been applied? Would their application make a difference in the context of food systems and nutrition? States should adopt all the necessary measures to facilitate and ensure meaningful participation at all levels (local, national, international), including legal frameworks, policies and public investments that facilitate and strengthen the autonomous organization of rights holders. States should respect, uphold and enhance Indigenous Peoples' right to self-determination in food systems governance. This includes ensuring our right to free, prior and informed consent, through our own representative institutions, in the implementation of food systems and nutrition policies.

IITC supports the High-Level Expert Seminar on Indigenous Food Systems: Building on traditional knowledge to achieve Zero Hunger and the contributions and needs of constituencies such as smallholder farmers, fisherfolks, youth, women, pastoralists submitted by the Civil Society and Indigenous Peoples Mechanism for relations with the UN Committee on World Food Security. In addition, IITC has more specific recommendations and contributions to the United Nations Food and Agriculture Organization and its member States in regards to the Zero Draft.

- **Does Chapter 1 adequately reflect the current situation of malnutrition and its related causes and impacts, particularly in line with the goals and targets of the 2030 Agenda? What are the underlying problems that currently hinder food systems to deliver healthy diets?**

Chapter 1 does not reflect the current situation of the underlying problem that currently hinder Indigenous Peoples to have their food systems and healthy diets including genocide, ongoing colonization, and the violation of our rights as Indigenous Peoples. Indigenous Peoples are highly food insecure and are one of the most important stakeholders to be considered when developing the Voluntary Guidelines yet Indigenous Peoples are not mentioned throughout the Zero Draft and should be included under the main stakeholders in Chapter 1 number 3.26.

Indigenous Peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests (Preamble, UN Declaration). Indigenous Peoples should have the ability to exercise and implement their rights including self-



determination and free prior informed consent to promote and defend their Food Sovereignty and related aspects of their development.

States should address the increasing concern that has always existed of the criminalization of Indigenous land defenders who are defending their right to their food systems and life ways and who face political repression, violence and criminalization for opposing dispossession, forcible relocation, environmental degradation, the impacts of climate change and land-grabbing.

We believe that climate change is one of the single most impactful factors influencing the ability of food systems to deliver healthy diets in the context of a healthy environment. Today, we feel it is well known that increasingly severe impacts of climate change threaten ecosystems and food production around the world for all peoples. Indigenous Peoples are often among the most vulnerable to the effects of climate change and are disproportionately affected by it as we the first ones to face the risk of losing our lands, cultural practices and natural heritage.

If these Voluntary Guidelines are to uphold and not violate the rights of Indigenous Peoples its is necessary for States and the UN FAO to: 1) Take a rights-based approach to food systems and nutrition so that Indigenous Peoples are better able to meet the food related impacts of climate change, incorporating international human rights standards including the UN Declaration on the Rights of Indigenous Peoples; 2) Ensure recognition and respect for Indigenous Peoples' rights to land, water, seeds and other resources, self-determination, Treaty rights and free, prior and informed consent; 3) Respect and protect traditional and local livelihoods, food sovereignty and subsistence practices; 4) Recognize culture as an essential component of sustainable development; and 5) Incorporate the full participation of Indigenous Peoples in decision making in sustainable development programs and policies at all stages and on all levels.

We urge the UN FAO and its member States work with the Local Communities and Indigenous Peoples Platform (LICPP) created by the UNFCCC COP 24, intended to strengthen and exchange traditional knowledge for mitigating and adapting to Climate Change, based on paragraph 135 of the Paris Agreement<sup>2</sup> and the Indigenous Peoples Major Group for Sustainable Development (SDGs) to ensure broad participation and direct involvement of Indigenous Peoples in this process.

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<sup>2</sup> Paris Agreement Preamble: "Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity," b. Article 7, paragraph 5: recognizing the importance of the "knowledge of indigenous peoples" Paris Decision Operative Text a . Preamble: "Agreeing to uphold and promote regional and international cooperation in order to mobilize stronger and more ambitious climate action by all Parties and non-Party stakeholders, including civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous



- **What should be the guiding principles to promote sustainable food systems that improve nutrition and enable healthy diets? What are your comments about the principles outlined in Chapter 2? Are they the most appropriate for your national/regional contexts?**

For the Voluntary Guidelines to contribute to the promotion of sustainable food systems, enable healthy diets and improve nutrition and sustainable development it has the have the following vital guiding principles that are currently missing 1) Respect and implementation of the Rights of Indigenous Peoples and 2) Environmental Health.

A very important and missing guiding principle for Indigenous Peoples to promote sustainable food systems that improve nutrition and enable healthy diets is Food Sovereignty. Food Sovereignty is a prerequisite for Food Security for Indigenous Peoples as defined in the Declaration of Atitlan: “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” (2nd Global Consultation on the Right to Food, Food Security and Food Sovereignty for Indigenous Peoples).

In respect to the guiding principle **Realization to the Right to Food** it is critical to include the respect and protection of Indigenous Peoples’ traditional lands, territories, resources and subsistence activities by the State. This is fundamentally important for the realization of Indigenous Peoples’ right to food, as such rights form the basis of their existence and cultural identity. Thus taking steps to secure access to such resources is a vital element in the realization of the right to food. The right to food of Indigenous Peoples therefore rests on the “pillar rights” of lands, territories and resources; free prior and informed consent; and the right to decision making in development ([FAO Cultural Indicators Link](#)).

- **In consideration of the policy areas identified in Chapter 3 and the enabling factors suggested in paragraph 41 of the Zero Draft, what policy entry points should be covered in Chapter 3, taking into account the need to foster policy coherence and address policy fragmentation?**

Under paragraph 41 of the Zero Draft, many cross cutting factors are included but not Indigenous Peoples. These guidelines, if they are to have any ethics and efficiency, cannot be achieved without taking into account Indigenous territories. In order for Indigenous Peoples to have equal access we should also have equitable access in the sense that Indigenous Peoples ought to have their unique and diverse

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peoples” b. Operative Text, paragraph 135: “Recognizes the need to strengthen knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, and establishes a platform for the exchange of experiences and sharing of best practices on mitigation and adaptation in a holistic and integrated manner”





circumstances recognized in the Zero Draft. Due to the absence and consideration of Indigenous Peoples and their food systems there are many policy entry points and policy relevant areas missing.

The integrity of Indigenous Peoples' food systems is intimately connected to the overall health of the ecology. Ecological/environmental degradation and environmental violence in Indigenous territories has led and continues to lead to lack of access to and contamination of their food, lands and water all needed for the sustainability and health of indigenous and sustainable food systems.

The right to health of Indigenous Peoples is considered both an individual and a collective right, strongly determined by community, land, water, food and the ecology. Beyond the well-being of an individual, it is about the social, cultural, emotional, spiritual and nutritional well-being of the whole community. The displacement from traditional lands due to development, agriculture and extractive activities has resulted in a loss of access to traditional food and medicines with devastating effects on the health of Indigenous Peoples. Moreover, contaminants from sources such as mining, spraying of hazardous toxics, extraction, waste dumping as well as climate change have serious health consequences for Indigenous Peoples. States should put into place measures that address these underlying determinants of malnutrition and poor health among Indigenous Peoples in a comprehensive manner with due regard to the historic discrimination and marginalization faced by these groups (*see section three*).<sup>3</sup> They should moreover ensure that health care is culturally appropriate and ensure access to traditional food, medicine and treatments.

- **Can you provide specific examples of new policies, interventions, initiatives, alliances and institutional arrangements which should be considered, as well as challenges, constraints, and trade-offs relevant to the three constituent elements of food systems presented in Chapter 3? In your view, what would the “ideal” food system look like, and what targets/metrics can help guide policy-making?**
- **How would these Voluntary Guidelines be most useful for different stakeholders, especially at national and regional levels, once endorsed by CFS?**

Indigenous Peoples' right to food is inseparable from their rights to land, territories, resources, culture and self-determination. An integral human rights-based approach will open constructive dialogue on what policies, regulations and activities are needed to ensure food security for all, regardless of adaptation. Encouraging meaningful participation by all parties and stakeholders will be the key to building trust and resolving ongoing resource conflicts.

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<sup>3</sup> The obligation of States to protect and respect the rights of Indigenous Peoples means not unlawfully polluting or contaminating water, soil and air with highly hazardous chemicals and toxics. Article 29 of the United Nations Declaration on the Rights of Indigenous Peoples cannot be violated, in regards to the storage of hazardous wastes on the lands, waters and territories of Indigenous Peoples, resulting in the harm or destruction of traditional food sources, ecosystems and habitats, and potentially introducing such toxics into the bodies of Indigenous Peoples, including vulnerable groups.



Indigenous Peoples' relationships with their traditional lands and territories forms a core part of their identities and spiritualities and is deeply rooted in their cultures, languages and histories. Since land and its resources form the basis of Indigenous Peoples' subsistence activities, losing control of these undermines their food and livelihood security and can threaten their survival as peoples. In fact, IITC worked with FAO a number of years ago on what was then fairly groundbreaking: a set of cultural indicators related to food and agriculture. We would like to see more projects like this updating such indicators and creating strategies for dissemination and most importantly, their use in the reporting processes linked to the implementation of these Guidelines ([FAO Cultural Indicators Link](#)).

States should respect and enhance Indigenous Peoples' right to self-determination in food systems governance. This includes ensuring their right to free, prior and informed consent, through their own representative institutions, in the implementation of food systems and nutrition policies.

Additional and related standards that member States should consider in the context of the development of these Guidelines include those developed under the auspices of Treaties, Agreements and other Constructive Arrangements with Indigenous Peoples; the Convention on Biodiversity (CBD); the World Intellectual Property Organization (WIPO); the UN Permanent Forum on Indigenous Issues (UNPFII); ILO 169; the International Convention on the Elimination of all forms of Racial Discrimination (CERD); the Expert Mechanism on the Rights of Indigenous Peoples; the Paris Agreement on Climate Change; and other international standards that recognize and respect the rights of Indigenous Peoples.

Please let us know if you want us to work in assisting you with editing the language of the Zero Draft.

### **Annex**

*(click on text for link to document)*

1. The Declaration of Tlaxcala, March 8, 2019
2. Declaration of Takahiwai, Takahiwai Marae, Aotearoa (New Zealand), February 5th, 2019
3. Outcome Statement of the "Respecting Our Science and Ways of Knowing: Indigenous Peoples Food Sovereignty, Traditional Lifeways and Climate Change" Convening, Ixtlan de Juarez, Northern Highland Zapoteca Territory, Oaxaca Mexico
4. "The Declaration of Atitlán", Indigenous Peoples' Global Consultation on the Right to Food, Atitlán, Sololá, Guatemala, April 17 – 19, 2002
5. Łuk'ae gha Tsin'aen Nek'eltaeni Thank you Creator for Salmon Declaration, August 5th 2017
6. Local Communities and Indigenous Peoples Platform, SBSTA, L18, 7 Dec. 2018
7. International Indigenous Peoples Forum on Climate Change (COP 24), Opening Plenary Statement, Dec. , 2018.
8. 3rd DECLARATION FOR HEALTH, LIFE AND DEFENSE OF OUR LANDS, RIGHTS AND FUTURE GENERATIONS, APRIL 14 – 15, 2018
9. "Indigenous Women and Environmental Violence": A Rights-based approach addressing impacts of Environmental Contamination on Indigenous Women, Girls and Future Generations. Submitted



- to the United Nations Permanent Forum on Indigenous Issues Expert Group Meeting “Combating Violence Against Indigenous Women and Girls”, January 18 – 20, 2012
10. The 2nd Global Consultation on the Right to Food, Food Security and Food Sovereignty for Indigenous Peoples “Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development”
  11. High-Level Expert Seminar on Indigenous Food Systems: Building on traditional knowledge to achieve Zero Hunger
  12. COP 24 in Katowice “Indigenous Peoples Achieve Mixed Results” article written by Andrea Carmen, Executive Director of IITC for Cultural Survival magazine.
  13. Cultural indicators of Indigenous Peoples' food and agro-ecological systems, SARD Initiative.
  14. Local communities and indigenous peoples platform, Draft decision -/CP.23: FCCC/SBSTA/2017/L.29, Nov. 2017
  15. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

*Contribution was submitted by the International Indian Treaty Council on September 2, 2019*