

United Nations Expert Mechanism on the Rights of Indigenous Peoples

8th session, 20 – 24 July, 2015

*Submission by the International Indian Treaty Council for the EMRIP
Study on the Promotion and Protection of the Rights of Indigenous
Peoples with respect to their Cultural Heritage*

“Affirming the Cultural Foundation of Indigenous Peoples’ Food and Seed Sovereignty”

“Food is not about vitamins or nutrition. Food is about Culture”

--- Jose Graziano da Silva, Director General, UN Food and Agriculture Organization (FAO),
February 3, 2015, “Indigenous Food Systems, Agroecology and the Voluntary Guidelines on
Tenure: A meeting between Indigenous Peoples and FAO”, Rome Italy

***“The cycles of our lives and the countless generations of our Peoples are merged with the life
cycles of the Salmon. Salmon is our traditional food but it also defines who we are... The
health of the Salmon is one with the spiritual, cultural, and physical health of our Peoples”***

--- The Declaration from the Indigenous Peoples' International Gathering to Honor, Protect and
Defend the Salmon, June 23, 2013, Yurok Nation, Klamath River, Northern California, USA

***“The health and survival of our corn mother/father in all its natural varieties, colors and
original strength and resilience cannot be separated from the health and survival of our
Peoples. Our struggles to protect corn as a source of our lives cannot be separated from our
struggles to defend our rights to land, water, traditional knowledge and self-determination.”***

--- The “Declaration of Santa Domingo Tomaltepec, *La Lucha Sigue, El Maiz Vive (The Struggle
Continues, The Corn Lives)*”, Indigenous Peoples International Conference on Corn, Oaxaca
Mexico, September 28- 30, 2012



“Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions”

-- Article 31, UN Declaration on the Rights of Indigenous Peoples

A. Indigenous Peoples and the Culture of Corn

Corn, Maize, or Maiz (Mais) is one of the most important food crops to be cultivated in Americas.¹ Corn is central to the traditional diets, means of subsistence, millennial Nation-to-Nation trade relations, creation stories, songs, traditional cultural and agricultural practices and ceremonies of Indigenous Peoples of what are now Mexico, Central, South and North America, the Caribbean and parts of the Pacific. Scientists estimate that corn was domesticated from a grass called *teocintle* by the Indigenous Peoples of Meso-America approximately 10,000 years ago.² For Indigenous Peoples such as the Mayans, who were created from corn, the relationship with corn reaches back far longer, to the very beginning of time. Maize is now grown all over the world, and has been referred to as humanity’s greatest agronomic achievement (Santini). For many Indigenous Peoples, corn remains the spiritual and cultural foundation of life, intrinsic to their food sovereignty, health and nutrition, subsistence, local economies, ceremonial and cultural identity and daily lives.

Corn is a fundamental foundation of food sovereignty for many Indigenous Peoples. Native corn's capacity for resiliency and adaptation in response to diverse climate conditions is recognized by many Indigenous Peoples as their source of survival as the impacts of climate change, including changing weather patterns and rainfall levels, drastically impacts the productive capacity of their traditional lands.

The traditional resiliency and diversity of corn, which enabled it to adapt to diverse environments and climates from Meso-America, what is now southern Canada, the Southwest desert in the United States and the Andes Mountains, is under threat. Its life sustaining bio-

¹ The English word *maize* and the Spanish word *mais* are both derived from the indigenous Taíno word “**maisi**.”

² Santini, Cristina. "The People of the Corn." *Cultural Survival Quarterly*. 30.4 (2006): n. page. Web. 1 May. 2013. <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/mexico/people-corn>>.

diversity has been undermined through the introduction of hybrid and GMO (Genetically-Modified Organisms) varieties and government policies enforcing their use, along with toxic pesticides and other chemically based methods in Mexico and other countries (the so-called "Green Revolution"). Indigenous Peoples are fully committed to reverse this degradation that is affecting not only corn but all of the traditional foods sources that are required for nutrition, health and the resilience of local economies. These foods are also the foundation of the spiritual and cultural ways of life and identity that is essential for the survival of Indigenous Peoples and future generations.

B. International Bodies and Processes that have affirmed the Cultural Heritage Rights of Indigenous Peoples as a basis for their Food Sovereignty

1. The UN Permanent Forum on Indigenous Issues half day dialogue on Food Sovereignty

On 14 May 2012, the United Nations Permanent Forum on Indigenous Issues held a half-day dialogue on the rights of Indigenous Peoples to food and food sovereignty. The half-day dialogue also served to highlight the rights and culturally based foundation for Food Sovereignty including many relevant provisions of the UN Declaration on the Rights of Indigenous Peoples. This was underscored in the report of the UNPFII 11th session:

*"The Permanent Forum notes that indigenous peoples' right to food and food sovereignty is inextricably linked with the collective recognition of rights to land and territories and resources, culture, values and social organization. Subsistence activities such as hunting, fishing, traditional herding, shifting cultivation and gathering are essential not only to the right to food, but to nurturing their cultures, languages, social life and identity."*³

Interventions by Indigenous Peoples' organizations made during the session, including the IITC, also stressed that a rights and culturally-based approach are vital components of Food Sovereignty as a prerequisite to Food Security for Indigenous Peoples.⁴

³ Report of the 11th session of the United Nations Permanent Forum on Indigenous Issues, 7 – 18 May, 2012 E/2012/43, E/C.19/2012/13, paragraph 56.

⁴ The IITC, in its intervention to the 11th Session of the UNPFII, on Agenda item 6: Half day discussion of the Rights of Indigenous Peoples to Food and Food Sovereignty, May 14th, 2012, presented by Andrea Carmen noted that "nearly all provisions of the UN Declaration on the Rights of Indigenous Peoples address rights directly linked the exercise of Food Sovereignty. These include rights to land, territories and resources including water, health, cultural and spiritual rights, self-determination, education, environmental protection, education, language, productive capacity of lands, Treaty rights, free prior and informed consent, subsistence and development, control of traditional knowledge and cultural expressions including seeds, flora and fauna".

Under the recommendations from the Half-day discussion on the “rights of indigenous peoples to food and food sovereignty” the report of the 11th session on the UNPFII addressed the World Conference on Sustainable Development and the importance of Culture as the 4th pillar for Sustainable Development:

“The Permanent Forum recommends that the Conference approve the cultural indicators as a fourth “pillar” for the elaboration of development policies for all peoples.”⁵

2. UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

During the half day dialogue at the UNPFII, a representative of the United Nations Food and Agriculture Organization (FAO) also noted that the UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which were officially endorsed by the Committee on World Food Security (CFS) on 11 May 2012, also recognize the cultural and rights basis of Food Security for Indigenous Peoples.

The Voluntary Guidelines specifically affirm that “State and non-state actors should acknowledge that land, fisheries and forests have social, cultural, spiritual, economic, environmental and political value to indigenous peoples and other communities with customary tenure systems.”⁶

The Guidelines further affirm that “States should, in drafting tenure policies and laws, take into account the social, cultural, spiritual, economic and environmental values of land, fisheries and forests held under tenure systems of indigenous peoples and other communities with customary tenure system”.⁷

3. The report of the UNPFII “Indigenous Peoples: Development with Culture and identity: Articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples” International Expert Group Meeting

⁵ Report of the 11th session of the UN Permanent Forum on Indigenous Issues, para. 63

⁶ UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, UN Committee on World Food Security (CFS) on 11 May 2012, Article 9.1

⁷ Ibid, Article 9.7

The “Indigenous Peoples: Development with Culture and Identity” International Expert Group Meeting was held 12-14 January 2010, at UN Headquarters, New York. The Expert Group Meeting underscored the links between well-being, sustainability, self-determination, free, prior and informed consent, access to traditional lands and natural resources, traditional knowledge, culture and identity.

The meeting’s final report, E/C.19/2010/14,⁸ presented a number of recommendations for consideration of the UNPFII 9th session, and affirmed that *“Respect for indigenous peoples’ traditional knowledge systems is the basis of their development with culture and identity and must be protected.”*⁹

4. The Outcome Document from the UN World Conference on Indigenous Peoples (Rio + 20) : “The Future We Want”

In the Outcome Document from the World Conference on Sustainable Development (“Rio + 20”) adopted by the UN General Assembly on July 27, 2012 [A/RES/66/288] States expressed the need to respect and protect Indigenous Peoples’ cultural heritage in the context of Programs for Sustainable Development:

58. We affirm that green economy policies in the context of sustainable development and poverty eradication should:... j) Enhance the welfare of indigenous peoples and their communities, other local and traditional communities and ethnic minorities, recognizing and supporting their identity, culture and interests, and avoid endangering their cultural heritage, practices and traditional knowledge, preserving and respecting non-market approaches that contribute to the eradication of poverty;

Food security and nutrition and sustainable agriculture was included in a subsection under “Framework for Action and Follow up” as a cross cutting thematic area. In that context, in paragraph 109, the Rio + 20 Outcome Document recognized the importance of traditional agricultural practices and seeds for Indigenous Peoples:

“...We also recognize the importance of traditional sustainable agricultural practices, including traditional seed supply systems, including for many indigenous peoples and local communities”.

⁸ *Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples*, Report of the international expert group meeting, 2010, United Nations, E/C.19/2010/14, is available at <http://www.un.org/esa/socdev/unpfii/documents/E.C.19.2010.14%20EN.pdf>

⁹ Ibid paragraph 40

5. The FAO Policy on Indigenous and Tribal Peoples

After many years of collaborative work between UN FAO and Indigenous Peoples, including the development of the Cultural Indicators for Food Sovereignty (2006), and affirming the UN Declaration on the Rights of Indigenous Peoples, FAO adopted a groundbreaking policy of Indigenous and Tribal Peoples in 2010 to provide a framework to guide FAO's work on indigenous peoples' issues".¹⁰

The FAO Policy reiterates FAO's commitment under be guiding by the UN Declaration on the Rights of Indigenous Peoples and affirmed the role of Indigenous Peoples cultures in sustaining traditional food systems and food-related biodiversity:

"Food security is dependent on the continued availability and richness of natural resources, but also on the survival of the diverse cultural systems that sustain them. FAO safeguards the relationship between biological and cultural diversity to ensure more options for hunger alleviation. Pursuing the dynamic conservation of traditional heritage systems – be they agricultural or based on other natural resources – is a central component of this effort".¹¹

The FAO Policy also recognizes the "**Declaration of Atitlan**" as part of the relevant International Framework along with the UN Declaration, International Labor Organization 169 and others.

6. The World Conference on Indigenous Peoples

Most recently, the Outcome Document from the High Level Plenary to be called the World Conference on Indigenous Peoples (WCIP) adopted by the UN General Assembly on September 22, 2014 committed States to work with Indigenous Peoples to support their traditional subsistence activities and food security:

25. We commit ourselves to developing, in conjunction with the indigenous peoples concerned, and where appropriate, policies, programmes and resources to support indigenous peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition.

¹⁰ FAO Policy on Indigenous and Tribal Peoples (2010). Rome, Italy. http://www.fao.org/fileadmin/user_upload/newsroom/docs/FAO_policy.pdf

¹¹ Ibid

26. We recognize the importance of the role that indigenous peoples can play in economic, social and environmental development through traditional sustainable agricultural practices, including traditional seed supply systems...

These commitments provide a firm basis for action by the UN Human Rights Council member States in response to advice provided in this regard by the EMRIP.

C. Indigenous Peoples' International Declarations

A number of Declarations and Outcome Statements have been adopted at Indigenous Peoples international gatherings addressing issues of vital concern to their rights, ways of life and survival focusing on Food Sovereignty and Sustainable Development. These have made significant contributions to the global understanding of the cultural foundation of Food Sovereignty and Sustainable Development from the perspective of Indigenous Peoples including traditional food producers and knowledge holders. They identify common threats and impediments to the full exercise of Food Sovereignty, and presented strategies, recommendations and commitments for action from the local to the international levels in response. These include:

1) **The Declaration of Atitlán**, adopted by the First Indigenous Peoples' Global Consultation on the Right to Food held in Atitlán, Sololá, Guatemala, April 17 - 19, 2002, co-coordinated by the IITC and UN FAO. Participants included Indigenous Peoples from 28 countries and all regions. The Declaration of Atitlan is still the operative policy document upon which subsequent Indigenous Peoples' Declarations and policy statements addressing Food Sovereignty have been based. The Declaration defined Food Sovereignty as follows:

"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"

The Declaration of Atitlán further affirmed 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**".*

2) The **“Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development”** were finalized at the **2nd Indigenous Peoples’ Global Consultation on Right to Food, Food Security and Food Sovereignty**, September 2006, held in Bilwi Nicaragua.¹² The Cultural Indicators were developed over several years by the IITC, working with traditional Indigenous food producers, cultural knowledge holders and organizations from around the world as well as the United Nations Food and Agriculture Organization (FAO) and its Sustainable Agriculture and Rural Development (“SARD”) Initiative.

The 11 Indicator Areas focus on traditional Indigenous food systems and the bio-cultural relationships, traditional knowledge and practices upon which they depend and provide tools to assess strengths as well as threats. They also reflect the inter-relationships between human rights, including self-determination, free prior and informed consent, access to traditional lands and natural resources, traditional knowledge and cultural heritage including seeds as essential elements for the exercise of Food Sovereignty for Indigenous Peoples.

Several of the 11 Indicator Areas focus specifically on the relationship between cultural heritage spiritual practices, the transmission of traditional knowledge and the practices related to food production and consumption for Indigenous Peoples. These include:

- **Abundance, scarcity and/or threats to traditional seeds, plant foods and medicines, and food animals, as well as cultural practices associated with their protection and survival**
- **Consumption and preparation of traditional plant and animal foods and medicines, including in ceremonial/cultural use as well as daily household use**
- **Continued practice and use of ceremonies, dances, prayers, songs and stories and other cultural traditions related to the use of traditional foods and subsistence practices**
- **Preservation and continued use of language and traditional names for foods and processes (planting, hunting, gathering, harvesting, fishing, food preparation etc.)**
- **Integrity of and access to sacred sites for ceremonial purposes related to use of traditional foods**
- **Existence and viability of mechanisms and institutions created by and accessible to Indigenous Peoples for transmission of food related traditional knowledge and practices to future generations**

The Cultural Indicators, which include structural, process and results indicators, were field-tested in a process which included the input of over 10,000 Indigenous Peoples from 6 countries over 4 years. The results were presented jointly by the IITC and UN FAO at the UN

¹² “The Cultural Indicators for Food Security, Food Sovereignty and Food Sovereignty and Sustainable Development” can be found <http://cdn7.iitc.org/wp-content/uploads/2013/07/Conclusions-2nd-Global-Consultation2.pdf>

Permanent Forum's 9th Session (19 – 29 April 2010) and confirmed the inextricable link between traditional cultures and Food Sovereignty.¹³ They also stressed the importance of ceremonies, stories and songs and underscored the pivotal role of Indigenous languages in the survival and continuation of Indigenous traditional food practices that are the basis of Indigenous Peoples means of subsistence, survival and ways of life.

In its final report, the UNPFII recognized the importance of this collaborative contribution and encourages implementation of the cultural indicators by UN Agencies and States:

*“The Permanent Forum takes note of the report submitted by the International Indian Treaty Council and the Food and Agriculture Organization of the United Nations on the three-year field-testing programme for the cultural indicators for food security, food sovereignty and sustainable development, which included the input of more than 450 indigenous representatives from 66 indigenous communities and peoples in five countries. The Forum recognizes the importance of such collaborative programmes undertaken jointly by United Nations agencies and indigenous peoples, and calls upon members of the Inter-Agency Support Group and Member States and agencies to develop and apply the cultural indicators in accordance with their mandates, in collaboration with indigenous peoples”.*¹⁴

3) **The Anchorage Declaration**, was adopted on April 29th, 2009 by over 400 Indigenous Peoples from all regions attending the *Indigenous Peoples Global Summit on Climate Change* April 27th – 29th 2009 in Anchorage Alaska. The Summit included a track addressing Food Sovereignty and Traditional Life Ways, where participants from all regions presented the devastating and rapidly increasing impacts of climate change on their home lands, cultural heritage and traditional subsistence practices. The Anchorage Declaration made the following calls for action:

13. In order to provide the resources necessary for our collective survival in response to the climate crisis, we declare our communities, waters, air, forests, oceans, sea ice, traditional lands and territories to be “Food Sovereignty Areas,” defined and directed by Indigenous Peoples according to customary laws, free from extractive industries,

¹³ The submission made by the IITC and UN FAO during UN Permanent Forum's 9th Session (19 – 29 April 2010) titled: Final Report to the UNPFII: “Field Testing the Cultural Indicators for Food Security, Food Sovereignty and Sustainable Development in Indigenous Communities” can be found at <http://cdn7.iitc.org/wp-content/uploads/2013/07/CIs-Field-Testing-Report-joint-submission-to-UNPFII9-April-15-2010final.pdf>

¹⁴ UN Permanent Forum report on the 9th session, (19-30 April 2010), E/2010/43-E/C.19/2010/15, para. 134.

deforestation and chemical-based industrial food production systems (i.e. contaminants, agro-fuels, genetically modified organisms).

14. We encourage our communities to exchange information while ensuring the protection and recognition of and respect for the intellectual property rights of Indigenous Peoples at the local, national and international levels pertaining to our Traditional Knowledge, innovations, and practices. These include knowledge and use of land, water and sea ice, traditional agriculture, forest management, ancestral seeds, pastoralism, food plants, animals and medicines and are essential in developing climate change adaptation and mitigation strategies, restoring our food sovereignty and food independence, and strengthening our Indigenous families and nations.

4) **Declaración de Vicente Guerrero** was adopted on July 24th, 2010 at the “*Nuestra Tierra, Nuestros Derechos, Nuestro Futuro*”, (Our Land, Our Rights, Our Future) Conference in Tlaxcala, México. Participants from 9 Indigenous Peoples in more than 30 communities in Mexico addressed threats to their food and seed sovereignty as producers of corn and other traditional crops. They called for "an international conference on corn in order to share traditional knowledge, native and non-native seeds, and related understandings... as a cultural exchange as well as a response to the threats posed by GMO corn and climate change".

5) “**Rio + 20 Indigenous Peoples’ International Declaration on Sustainable Development and Self-Determination**” was adopted at the Indigenous Peoples International Conference on Sustainable Development and Self Determination, June 17th – 19th 2012 in Rio de Janeiro, Brazil. It was held in conjunction with the United Nations World Conference on Sustainable Development, Rio + 20, with the participation of Indigenous Peoples from all regions. The Declaration affirmed that

*“We will define and implement our own priorities for economic, social and cultural development and environmental protection, based on our traditional cultures, knowledge and practices, and the implementation of our inherent right to Self-determination, and made commitments for action within and among Indigenous communities, Peoples and Nations; with regards to actions by States and Corporations; and at the United Nations”.*¹⁵

¹⁵ The Rio+ 20 Indigenous Peoples International Declaration and list of participants can be downloaded in English at <https://www.facebook.com/notes/global-indigenous-womens-caucus/rio20-indigenous-peoples-international-declaration-on-sustainable-development-an/248375061945165>; and in Spanish at http://www.cadpi.org/cadpi/files/6213/5465/5867/Declaracion_Internacional_de_los_Pueblos_Indigenas_sobre_el_Desarrollo_Sostenible_y_la_Libre_determinacion.pdf

5. The Declaration of Santo Domingo Tomaltepec from the 1st Indigenous Peoples International Conference on Corn, Oaxaca Mexico, September 28th – 30th , 2012

The first “Indigenous Peoples International Conference on Corn” was convened in the territory of the Zapoteca Nation, in Santo Domingo Tomaltepec, Oaxaca, Mexico, from September 28th – 30th 2012.¹⁶ Over 220 representatives of Indigenous *Corn Peoples* from 48 Indigenous Nations, Peoples and communities and a number of Indigenous organizations from North, Central, South America, the Pacific and Caribbean participated. The conference was sponsored by the International Indian Treaty Council and Unidad de la Fuerza Indigena y Campesina and was coordinated by Permanent Forum member Saul Vicente Vasquez.

The participants adopted the Declaration of Santa Domingo Tomaltepec, “*La Lucha Sigue, El Maiz Vive*” (*The Struggle Continues, The Corn Lives*) September 30th, 2013.¹⁷ The Declaration affirmed “*Since time immemorial corn in all its rich diversity has nurtured and fed us as the basis of our cultures, spirituality, health, traditional economies and food sovereignty. It is the sacred source of life and creation for Indigenous Peoples in many regions of the world.*” Participants committed to continue engaging with the United Nations and all levels of government to “*demand the implementation of laws and policies that protect rather than violate our rights and the integrity of corn and other life-giving traditional plants and animals.*”¹⁸

They also firmly reiterated their strong opposition, expressed consistently by Indigenous traditional food producers around the world, to the Genetic Modification of their traditional seeds and food Sources, as an assault to their Food and Seed Sovereignty and traditional cultural and spiritual relationships. In the commitments for collective action they called for the

“...immediate halt to all genetic modification of corn, and adopt community resolutions, with the support of our tribal leaders and traditional authorities as well as organizations, prohibiting the use of genetically modified seeds in our lands and territories; Support Indigenous communities such as those in Tlaxcala Mexico and Pueblos in New Mexico USA that have implemented GMO-free zones, and encourage similar actions by other

¹⁶ Two preparatory gatherings were held in Vicam, Sonora and San Francisco Magu, Mexico.

¹⁷ The full Declaration of Santo Domingo Tomaltepec is available on line:
<http://www.treatycouncil.org/PDF/CORNCONFERENCEDECLARACION%20final%20September%2030th%202012.pdf>

¹⁸ The Declaration of Santo Domingo Tomaltepec

Indigenous Peoples in all regions; and resist and oppose the patenting of corn and other traditional foods and medicines;”¹⁹

6) The **“We are Salmon Peoples” Declaration adopted by consensus at the Indigenous Peoples' International Gathering to Honor, Protect and Defend the Salmon**, June 22- 23, 2013 on the Yurok Nation, Klamath River, Northern California, USA, with participants from the US, Canada, Pacific Islands and Alaska, affirmed:

“The cycles of our lives and the countless generations of our Peoples are merged with the life cycles of the Salmon. Salmon is our traditional food but it also defines who we are. Our spiritual and cultural existence and the survival of our future generations are based on the survival of the salmon and the exercise of our sacred responsibilities to protect the rivers, oceans, watersheds and eco-systems where they live. The health of the Salmon is one with the spiritual, cultural, and physical health of our Peoples.”²⁰

7) The **Okmulgee Declaration “Corn is a Gift from the Creator”** from the **2nd International Indigenous Peoples Conference on Corn**, held in Okmulgee, Oklahoma USA, September 8 – 9, 2014 included participants representing Corn Peoples from the North America, Pacific, Latin America (Mexico, Central and South America), and Caribbean regions. The Conference Declaration reaffirmed the cultural and spiritual basis of the relationship of Indigenous Peoples with corn:

“As Corn Peoples, we have a profound unbreakable relationship with the sacred corn mother/father and its four sacred colors. We understand that our sacred foods work together with our songs, stories and ceremonies that honor and give thanks for the corn, beans, squash, herbal medicines and the animals that sustain our lives. The life-giving seeds and pollen of the Corn, of all plant and animal life and of human beings are inter-linked and interconnected”.

The Okmulgee Declaration reiterated the concerns raised consistently by Indigenous Peoples in previous Declarations and gatherings regarding the threats of Genetic Modification of seeds, food plants and animals to their cultural and spiritual rights as well as their food Sovereignty.

“We affirm that is our inherent, collective right to keep our traditional Corn and other traditional foods, seeds, water, land and air free from industrial

¹⁹ Ibid

²⁰ <http://cdn7.iitc.org/wp-content/uploads/2013/07/We-are-Salmon-Peoples-DeclarationFINAL3.pdf>

*contamination and genetic modification. We support the Declaration and Implementation of Indigenous Peoples Food Sovereignty Zones in our traditional lands and territories consistent with the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples in Articles 3, 4, 20, 23, 24, 25, 26, 29, 31, 32, 34 and 37”.*²¹

8) **The Cusco Declaration** was adopted by consensus of the participants attending the **“The International Seminar on Cultural Diversity, Food Systems and Traditional Livelihoods”** organized by the FAO, from 4 to 6 November in Cusco Peru. It was attended by representatives of the UN Permanent Forum on Indigenous Issues and representatives of Indigenous Peoples, organizations, and food practitioners (farmers, hunters, gatherers, fishers, pastoralists) from all over the world. It was also attended by representatives of UN FOA, governmental representatives, other UN and cooperation agencies, academic and civil society organizations of the Latin America region.

The Cusco Declaration reaffirmed the importance of Indigenous Peoples cultural heritage as an essential basis for their local food systems and practices and called upon various bodies of the United Nations to take action to support the protection of traditional knowledge systems, biodiversity, seeds and other aspects.

For example the Declaration called upon FAO to:

*“protect and promote traditional knowledge of indigenous peoples in sustainable agriculture and biodiversity conservation, including rotational farming and shifting cultivation, pastoralist systems, artisanal fisheries and other forms of access to natural sources, in the framework of its Policy on Indigenous and Tribal Peoples.”*²²

A call to the current session of the EMRIP in the context of its study on Cultural Heritage was specifically included, as follows:

*“The Expert Mechanism on the Rights of Indigenous Peoples should consider this Declaration in its current study on the cultural rights of indigenous peoples, based on Article 31 of the UN Declaration, and to consider its recommendations at its 8th Session (2015). For this, it shall coordinate its presentation with the Permanent Forum and FAO”.*²³

²¹ “The Okmulgee Declaration” can be downloaded at: http://cdn5.iitc.org/wp-content/uploads/2014/11/FINAL-Okmulgee-Declaration-2nd-Corn-Conference-ENGLISH_web.pdf. It was also submitted as a Conference Room Paper for this session of the EMRIP.

²² The Cusco Declaration, page 5

²³ Ibid

The IITC, as a participant in the International Seminar in Cusco, reiterates and endorses this international call.

6. Conclusion and Recommendation

The IITC's guiding principles affirm that that ***“Indigenous Peoples speak for themselves before the world community”*** as an integral aspect of self-determination. In keeping with this founding commitment, IITC continues to assert that Indigenous Peoples, in particular traditional food producers/practitioners, knowledge holders and cultural leaders, are the true experts on Food Sovereignty and the related rights to seeds, knowledge of flora and fauna and other aspects of cultural heritage as affirmed in Article 31 of the UN Declaration on the Rights of Indigenous Peoples. Their understandings, traditional knowledge and expertise are an irreplaceable resource upon which the collective cultural, physical and political survival of their Peoples depends, now and in the future. The contributions of traditional food practitioners (farmers as well as hunters, fishers, herders, pastoralists and gatherers) are essential for any assessment by the UN EMRIP Forum addressing the problems and challenges faced by Indigenous Peoples to protect their collective cultural heritage.

In conclusion, the IITC calls upon the EMRIP 8th session to include the following advice to the UN Human Rights Council in its final report, based on the consistent positions of Indigenous Peoples, the positions of a range of UN bodies and processes, and the rights affirmed in the UN Declaration on the Rights of Indigenous Peoples Article 31:

The EMRIP calls upon the UN Human Rights Council to recognize the Cultural Pillar for Food Sovereignty and Sustainable Development, utilize Cultural Indicators in planning and assessing their programs for Food Security and Sustainable Development in conjunction with Indigenous Peoples, consider the cultural impacts of genetic modification of traditional seeds and other food resources, and fully implement the rights of Indigenous Peoples to *maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, in particularly with regards to the protection of their Food Sovereignty and related food resources including seeds* as stated in Article 31 in the UN Declaration on the Rights of Indigenous Peoples.