



**International Indian Treaty Council**  
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## **Proposals for the inclusion of references to Indigenous Peoples and Safeguards for Human Rights in the International Code of Conduct on Pesticide Management**

***Submitted by the International Indian Treaty Council (IITC), an Indigenous organization with General Consultative Status to the United Nations Economic and Social Council, on August 20, 2022***

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*Recalling the Resolution by the United Nations General Assembly 61/295 dated September 13, 2007, in which it approves the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration).*

*Reaffirming what article 2 of The Declaration states: Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.*

*Considering that article 41 of The Declaration establishes that: The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.*

*Considering also that article 42 of The Declaration states: The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.*

*Highlighting the approval of FAO policy on Indigenous and Tribal Peoples in the year 2010, in which it recognizes that: As an organization which specializes in rural poverty reduction and food security, it is imperative for FAO to consider indigenous peoples as fundamental stakeholders and partners in development. It also recognizes that indigenous peoples are disproportionately impacted by environmental degradation, politico-economic marginalization and development activities that negatively affect their ecosystems, livelihoods, cultural heritage and nutritional status.*

*Reaffirming what is established in Article 29, 2nd paragraph of The Declaration: States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior, and informed consent.*

*Although the International Code of Conduct on the Management of Pesticides for the Rotterdam Convention, in its current version and approved in 2013, is now focused on risk reduction, calling on countries to identify and, if necessary, withdraw the use of highly toxic pesticides, and to pay attention to vulnerable groups such as children, women and persons infected by HIV/AIDS, it does not mention Indigenous Peoples. Indigenous Peoples could be vulnerable, and when they are not, there are vulnerable groups within Indigenous Peoples (Indigenous women, Indigenous children and Indigenous people with disabilities). Where there has not been specific nor explicit recognition in the regulatory instruments, it has been very difficult to guarantee that Indigenous Peoples be recognized as one of the most vulnerable as defined within the UN processes.*

***Based on the foregoing***, the International Indian Treaty Council (IITC) presents for consideration by the guiding bodies of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO), the following inclusions to the 2013 text of the International Code of Conduct on the Management of Pesticides referencing Indigenous Peoples:

Article 1: Objectives of the Code.

Paragraph 1.2: Include at the end of the paragraph: “**and indigenous peoples**”

Article 2: Terms and Definitions.

On the paragraph designated as “Public Interest Group”, add at the end: “**indigenous peoples.**”

Article 3: Pesticide Management.

Paragraph 3.6: Include the reference to indigenous territories the following way:

*Pesticides whose handling and application require the use of personal protective equipment that is uncomfortable, expensive or not readily available should be avoided, especially when they are to be used in hot climates(s) **or in indigenous peoples’ territories**, by small-scale users and farm workers.*

Paragraph 3.8: Include the reference to indigenous peoples the following way:

*Concerted efforts should be made by governments to develop and promote the use of IPM/IVM. Furthermore, lending institutions, donor agencies and governments should support the development of national IPM/IVM policies and improved IPM/IVM concepts and practices. These should be based on strategies that promote increased participation of farmers, (including women's groups), extension agents and on-farm researchers, communities, **indigenous peoples** and relevant entities from the public health and other sectors.*

Article 5: Reducing health and environmental risks.

Paragraph 5.1.3: Include reference to people who live in indigenous territories the following way:

*carry out health surveillance programs of those who are occupationally exposed to pesticides, in particular, to the persons and peoples who live in indigenous territories that are exposed to pesticides, and investigate, as well as document, poisoning cases;*

Paragraph 5.5.2: Include the reference to indigenous lands and territories, the following way:

*take all necessary precautions to protect workers, bystanders, nearby communities, and the lands and territories of neighboring indigenous peoples and the environment.*

#### Article 10: Labelling, packaging, storage and disposal

Paragraph 10.3.1: Include the reference to the UN Declaration on the Rights of Indigenous Peoples, the following way:

*packaging, storage and disposal of pesticides conform in principle to the relevant FAO, UNEP, WHO guidelines or regulations (36,37,38,49,51,53,54,55), Article 29, paragraph 2 of the UN Declaration on the Rights of Indigenous Peoples, or to other international instruments where applicable.*

Paragraph 10.6: Likewise, include the reference to the UN Declaration on the Rights of Indigenous Peoples, the following way:

*Governments should ensure that the treatment and disposal of hazardous pesticide waste are carried out in an environmentally sound manner that complies with national and regional regulations, relevant international standards and Multinational Environmental Agreements, in particular the Basel Convention and what is established in Article 29 paragraph 2 of the UN Declaration on the Rights of Indigenous Peoples.*

#### Annex 1: International instruments in the field of chemical management, environmental and health protection, sustainable development and international trade, relevant to the Code

Part B: International policy instruments that provide a general policy context for pesticide management

A reference to the UN Declaration on the Rights of Indigenous Peoples should be included at the end, the following way:

**United Nations Declaration on the Rights of Indigenous Peoples, and more specifically Article 29, adopted by the United Nations General Assembly on September 13, 2007<sup>1</sup>**

*Adopted by consensus of the IITC Board of Directors in Sturgis South Dakota, June 19, 2018.*

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<sup>1</sup> Res (A/61/295 and Add. 1)

In addition, **on March 3<sup>rd</sup>, 2022**, the International Indian Treaty Council's 47<sup>th</sup> Anniversary Conference at Panajachel Sololá Guatemala, with participants representing Indigenous Peoples from the Arctic, Latin America, Caribbean, and North America, adopted by consensus the following text to include in the preamble of the Code of Conduct on Pesticides affirming the need to protect and safeguard Human Rights for all potentially impacted constituencies. This text is based on the paragraph contained in the 2015 UNFCCC Paris Agreement preamble. It's inclusion in the Code of Conduct is also supported by the UN General Assembly's decision on July 28, 2022, recognizing that a clean, healthy, and sustainable environment is a **universal human right and affirming** that its promotion requires the full implementation of multilateral environmental agreements.

***“Parties should, when taking action to use, store, dispose of import and export pesticides, 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,”***

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