

Statement on water

To 10th Session of the UN Permanent Forum on Indigenous issues

Submitted by Indigenous Peoples Links PIPLinks and Cordillera Peoples Alliance

(Other shared submitters will be confirmed next week)

Water is essential to all life. Access to water is a basic right. Yet the right to water and quality of water itself is under many threats.

But in many countries water is not adequately protected or respected. Priority in the use of water is often given to industrial uses that leave it despoiled and not fit for further use.

Among the biggest grabbers and despoilers of water in indigenous territories are the extractive corporations. In the Philippines the absence of strategic social and environmental assessments in planning has allowed abusive officials *using abusive laws* to deny the prior rights of indigenous peoples on ancestral lands such as in Manakayan, Benguet and grant priority of water rights to mining companies *specifically Lepanto Consolidated*. Indigenous farmers, there, lack water for their crops while the company uses massive volumes for washing and processing copper and gold. Leaving it as a toxic sludge. The mines also lower the water table *and rob farmers of the water they need*.

Companies have dumped or still dump their waste direct into river systems *that are also used by indigenous populations for their basic needs of drinking washing irrigation fishing and others*. This waste is active and toxic with lasting capacity for erosion, infilling of river beds and poisoning people and the environment, including through acidification that will last at least hundreds of years. *Once dumped the damage is grave and irreparable*. On the Fly river in PNG the pollution

caused by a former BHP mine is still poisoning and killing the surrounding forest through die back that will now continue to spread *regardless of any clean up*. In PNG and West Papua some of the world's biggest mining companies Rio Tinto, Freeport MacMoran and Barrack Gold, still irresponsibly dump their waste direct into rivers at the rate of many thousands of tons per day *causing massive pollution*. In this forum we have also heard of serious recent human rights violations at Barrick Gold's Porgera mine. Yet these same companies are presented as best practice miners in international fora including the UNCSD *where the UN gives human rights and environmental criminals a platform to speak*.

In mining, impacts can be so grave best practice is not the issue. Worst practice and the imposition of adequate minimum standards and redress for victims *to protect people and the environment* is the issue . UN conferences that provide platforms for human rights and environmental violators need to be challenged as to their own commitments to UN standards. This Forum also needs urgently to advise the Human Rights Council to provide for a follow up to the work of Professor Ruggie *UNSGSR for business and Human Rights* that takes proper account of the UN Declaration and provides a forum and supports to indigenous people to address their many concerns at the actions of companies affecting their water and other resources.

IN PNG, Indonesia and elsewhere companies (including Newmont, and others) dump direct into the sea resulting in dispersal and even poisoning of fish stocks and water. Today mining companies have begun to mine the ocean beds and even propose the mining of those areas of vents where in most recent times many previously unknown forms of life have been discovered.

In many other locations polluted water from mines enters rivers and inshore waters causing illness, skin diseases, damage to crops, killing and driving away of marine life including wiping out corals *and thereby robbing many people and other life forms of their health, homes and livelihoods.*

Tailings dam collapse and breach are persistent problems. We salute the efforts of the wise uranium project website for its vigilance but also recommend that accessible accurate information on the global record of tailings dam major incidents and other related breaches of water quality standards be more widely available from UN sources.

Tailing dams themselves also rob indigenous people of their best valley lands in mountainous regions.

With climate change and increasing extremes of weather the threat from tailings dams becomes worse. Due to climate change Regions affected by typhoon and hurricane storms and increased seasonal rains are experiencing new threats. Weather authorities in SE Asia report increase in the number and the intensity of typhoon over the last 20 years. Tailings and toxic water are therefore released from dams prior to storms to protect the dams from pressures of heavy rain events but at the expense of damage for down stream communities.

In Peru the indigenous peoples of the mountains have access to water mostly through rivers from glaciers *and not so much from rain.* The pollution of rivers and glaciers by mining companies is causing serious health problems for people and animals and threatens the viability of many communities. Food security must be given the highest priority over mining.

In the high mountains the idiotic practice of dumping mine waste into glaciers is being practiced. This has added to glacier melting in an already warming climate. And is allowing waste into river systems.

In other semi arid regions of the world, including within the USA, water is taken and despoiled by industrial uses within indigenous territories (Western Shoshone, Navajo and others) including the washing of coal, the processing of gold and other mining practices including transporting mined materials in slurry. After which it is thrown away. In Niger, water is used in massive quantities in the processing of uranium and then evaporated. This includes the ultimate irresponsibility of the use of fossil water that is not self renewing and in a region where these water resources are essential for life.

Other Recommendations

That the Permanent Forum urge governments, while respecting the rights of indigenous peoples to FPIC, to apply strategic social and environmental assessments ahead of mining or other developments on rivers which take full account of the prior presence and the prior rights of indigenous peoples including those expressed in the UN Declaration and their overriding right to life, and subsistence above corporate desire for profit.

That the Permanent Forum in particular address its concerns on the prioritisation of use and misuse of water by corporations to the UN system, including Rio+20 and CSD and to institutions including the World Bank and IFC and the Investors as well as mining industry bodies *including the ICMM and Intergovernment forum on mining (IGF)* expressing concern at the widespread pollution of water by large scale mining and identify a range of notorious mining practices including marine and riverine waste disposal and others, so called “fracking,” Oil sands extraction, use of cyanide in mine

processing, all uranium mining and venting of nuclear power stations into rivers or seas, all use of fossil water in industrial mining as being incompatible with adequate protection of water quality, values of sustainability or respect for the basic rights of indigenous and all affected peoples and call for States to raise their standards for water protection and monitoring of water qualities to ensure adequate protection of indigenous peoples health subsistence and economy.

Finally That the Permanent Forum submit these and other recommendations including the recommendations of the Permanent Forum Expert workshop on extractive industries of 2009 and the related Manila Declaration by indigenous peoples to the Rio+20 process to ensure that the well documented threats posed to indigenous peoples *life, health, sacred values sites, and culture by pollution of waters and rivers* are given prominent consideration and are respected in the discussions and outcomes of the Rio+20 and other UN processes.