

10th Session of the United Nations Permanent Forum on Indigenous Issues
UN Headquarter, 16 – 27 May 2011

Tuesday, 24 May, 2011: 10 a.m.-1 p.m.
Conference Room 1, United Nations, New York
Agenda Item 7: Half-day discussion on the right to water and indigenous peoples

**Statement by Asia Indigenous Peoples' Caucus
Delivered by Sumshot Khular**

Thank You Madam Chair,

Asia Indigenous Peoples Caucus would like to reiterate the Indigenous Peoples Kyoto Water Declaration adopted during the Third World Water Forum in Kyoto, Japan on March 2003. We also wish to recall the General Comments No. 15 on the right to water by the Committee on Economic, Social and Cultural Rights (CESCR) issued in 2002, particularly Paragraph No. 7 that takes note of Article 1(2) that stipulates, "[i]n no case may a people be deprived of its own means of subsistence" as well as Paragraph No. 60 that specifically addresses the obligations of actors other than the states, including UN agencies, international financial institutions and international organizations such as the World Trade Organization (WTO).

We welcome The UN General Assembly resolution on 28 July 2010 affirming that access to clean water and sanitation is a human right. Furthermore, it is important to note our relationship to water in the larger context based on collective rights and communal management systems. Our relationship with our lands, territories and water is the fundamental physical, economic, political, social, cultural and spiritual basis for our existence as indigenous peoples. Therefore we continue to conserve our water bodies, including freshwaters, marines and oceans, for our survival. This interconnectedness of indigenous peoples and water clearly emphasized by the Article 25 of UN DRIP concerning indigenous peoples' rights to maintain and strengthen distinctive spiritual relationship with lands, territories, waters and coastal seas and other resources.

Madam Chair, we honor and respect our water as sacred and life sustaining. However, in a world with entrenched neo-liberal economic policies, we regret to witness today's water development has becoming an aggression towards our water resources and threatening our existence as indigenous peoples.

History shows that we have been the victims of water exploitation for commercial gains by corporations and privatization. We see our waters being depleted or converted into destructive uses through the diversion and damming of water systems, mining and mineral extraction, mining of groundwaters and aquifers for industrial and commercial purposes, and unsustainable economic, resource and recreational development, as well as the use of excessive amounts of water for energy resources.

Madam Chair, recognition of Indigenous peoples collective rights to water remains a challenge. Ensuring access to water sources by providing supports for community-based irrigation, waterworks and renewable energy sources such as micro-hydro energy projects that directly benefit indigenous households and communities without causing

damage to the rivers and destruction of the environment, as alternatives to mega dams and other large energy projects need to be done.

Across Asia such as in Chittagong Hill Tracts of Bangladesh, North East India, China, Burma, Laos, Cambodia, Vietnam, Thailand, Indonesia, Malaysia, and Philippines, millions of indigenous peoples have been involuntary evicted, displaced, impoverished and denied access to water due to large dams development. We are all aware of the ongoing trend among International Financial Institutions providing funds for dam developments in Asia in the name of clean energy. In Laos and Myanmar for example, our indigenous sisters and brothers have faced serious problems due to the ongoing dam developments in three major rivers such as the Irrawaddy, Salween, and Chindwin. Yet, there has been no space for their grievances to be heard due to the political situation in that country.

Madam Chair, we continue to be the victims of pollutions from mining and other industrial waste, chemicals and many other harmful substances to our rivers, springs, wells, marines and seas. The environmental impact of mega mining projects alone is devastating yet rarely assessed fully: for example, the result of draining of underground water and neighboring wells and irrigation canals that local villagers depending on for subsistence living, as well as the contaminating byproducts of mining that pollute the water, air and soil for present and future generations.

The burning of oil, gas, and coal fossil fuels is the primary source of human-induced climate change. We all witness that climate change has resulted in increased frequency and severity of storms, floods, drought and water shortage. The most vulnerable communities to climate change are Indigenous Peoples including those on small islands. In Haruku Island, Indonesia for example, indigenous peoples are facing serious problems from rising oceans. Within the last three years they failed to harvest fish and large part of their beach that has been the home for endangered Maleo Bird and Sea turtle, has gone.

Therefore we would like to recommend the following:

1. We call upon the UN Permanent Forum to conduct in-depth study on Indigenous Peoples and Water. The study should include impacts of the use of water resources for industries and other development projects on Indigenous peoples.
2. We call upon Governments and International Financial Institutions and national banks to respect indigenous peoples' rights to FPIC for all development projects that divert rivers and other water resources and to apply the recommendations of the World Commission on Dams and also the provisions of the UN Declaration on the Rights of Indigenous Peoples.
3. We call upon the Governments to help convene multi-stakeholder bodies to review policies on water, particularly on water privatization and large dams development, and to conduct multi-criteria options assessment and strategic environmental assessments to encourage sustainable water management systems, such as community-based irrigation, waterworks and renewable energy sources that uphold the right to water enshrined in the ICESCR.