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**United Nations Permanent Forum on Indigenous Issues
Tenth Session – New York
16 – 27 May 2011**

Agenda Item 7: Half-day discussion on the right to water and Indigenous peoples

INTERVENTION DELIVERED BY PATRICK LOMBAIA ON BEHALF OF THE PACIFIC CAUCUS:

Thank you Madame Chairperson and members of the Forum,

Brothers and Sisters, each of you here are living testaments to the necessity of water. Its properties both animate and sustain each and every one of you. For all of us, water is intrinsic to who we are.

For the Indigenous Peoples of the Pacific, we honour water as an ancestor, as a manifestation of cosmic force, as both creator and destroyer of life. In the Pacific, water, spiritually and geographically, connects our lands, histories, peoples and livelihoods. Indeed, it was by water that our Pacific ancestors applied Indigenous science, navigating and exploring our expansive oceanic homeland, building civilizations and setting in motion millennia of Indigenous cultural formation and expression.

Today, water continues to be central to the spiritual and physical well-being of Pacific Island peoples. However, the health and resiliency of both fresh and salt water sources and ecosystems is under constant assault. Water resources and ecosystems continue to be desecrated by toxins and misused and mismanaged under non-Indigenous leadership.

For Pacific islanders, the threats to healthy water resources and ecosystems is multifaceted, varying across the geographies and cultures of the Pacific. For Pacific Islands, global climate change is causing serious damage where rising sea levels are inundating crops, displacing livelihoods, and endangers critical fresh water aquifers. In fact, as we meet today, rising sea levels are erasing the natural heritage of some of the lowest lying Pacific land bases, as described by our sister from the islands of Micronesia yesterday.

In the Pacific, pollution of both fresh and salt water resources and ecosystems is of major concern. The release of toxins by military exercises and policies, private sector development, extractive activities and rampant pollution of waterscapes must be addressed immediately. Also, of concern to Pacific islanders is the need for unrestricted access to water resources and unrestricted rights to use water resources by Indigenous community members.

Indigenous peoples in **Aotearoa** struggle with the issue of meaningful participation in water policies and water allocation. Indigenous peoples in Aotearoa seek recognition by the State of their indigenous rights to water and that these rights are realized in policies and legislation.

For **Australia**, water has been quantified, mismanaged, polluted, stolen and of most concern, commodified. Currently in Australia, Indigenous peoples are locked out of water discussions, emerging water markets and decision making on the management of commercial and environmental water flows. In the undammed and unregulated rivers of Northern Australia, governments and corporations are proposing major developments, land acquisition, population growth and irrigation works. All of this is done without the free, prior

and informed consent of traditional owners. Australia is the world's driest continent and has the most variable climate in the world. The current and future threat of climate change will severely compound this variability and result in low inflows into major river systems. In many parts of Australia rural and remote communities do not have access to adequate potable water, causing and compounding disparate social indicators, such as health.

In **Fiji** and **Tahiti**, the marine resources of the ocean are being exploited for extinction by countries that do not even call the Pacific home. Most notable are emerging economies in Asia as well as North America who are employing extractive technologies that indiscriminately kill marine life which deprives Fiji islanders of food security and a historical source of income. In addition, the reefs of Fiji are dying as global warming continues and the island of **Tuvalu** is threatened with complete disappearance if global warming is left unchanged. In Tahiti, the impacts of climate change induced 'el nino' weather pattern have resulted in droughts, leaving some island communities without any local potable water. In addition, the French government conducted nuclear testing on Mururoa and Fangataufa from the 1960's to the 1990's and has left behind active nuclear waste. Both islands were blown into two parts leaving nuclear materials in the environment. French experts who visited in 2010 to review the island found that the substrata of the island could collapse at any time and also determined that the islands are especially susceptible to tsunamis.

For **Hawaiians** today, the American military is a major polluter of fresh and salt waters and the Indigenous peoples of the Hawaiian archipelago demand that the American military clean up their toxic waste and remove themselves from their country. In 1995, there were 405 toxic sites in 122 military facilities Archipelago wide, endangering fresh water supply. Currently 7.1 million live rounds of various weapons are fired annually at the Pohakuloa Training area on the island of Hawai'i, including the use of depleted uranium rounds, further endangering water and land. In addition, the U.S. Army secretly tested chemical, biological, and deadly nerve gas agents in Hawai'i, endangering the water and the health of the Hawaiian people.

The Indigenous peoples of the Nukuoro Atoll from the **Federated States of Micronesia** have already lost their water security in this era of climate change. Extreme weather patterns are destroying water security, including droughts, tsunamis, 'King Tides' and typhoons. On low-lying islands like Nukuoro, fresh water is already gone and as a result local culture and home life on that island are disappearing. In December of 2008, a one meter tidal wave flooded Nukuoro Atoll. It killed nearly 80% of the fruit trees and taro patches as well as washing away livestock and homes. We recommend that there be funding provided to implement a comprehensive water security program on Nukuoro Atoll. Governments in collaboration with Indigenous peoples must deploy sound methods to ensure water security setting examples for other low-lying islands. Failing to address these pressing challenges could result in Nukuoro islanders becoming climate refugees.

Using resources like 'the Community Earth Box' for food and water, Gabion Sea Walls, and 'BioRock Breakwaters' to grow and protect the island, Indigenous Micronesians have hope to regain food and water security. In Micronesia, food and water security will not recover without restorative action.

In **Papua New Guinea**, all mining companies are allowed by the National Government to discharge all toxic mine wastes directly into the rivers, oceans and floodplains without the free, prior and informed consent of local Indigenous peoples. As a result of the direct disposal, the Indigenous peoples living within the mining areas are experiencing negative impacts on their environment, health, social, economic and cultural rights. The affected communities raise their concerns to the Government of Papua New Guinea and the Special Rapporteur on Human Rights, but their complaints are not addressed by the authorities and we note that the Government of PNG owns 25% to 30 % equity in all the mines.

RECOMMENDATIONS

The Pacific Caucus recommends that all States:

1. ensure Indigenous People's cultural rights to water are recognized and protected;
2. recognize that water has its own rights as an ecological and sentient entity and that indigenous peoples are the inherent stewards of those rights.
3. support, through legislation and policy originating from Indigenous peoples to hunt and gather resources from waters including fish, to be used for cultural and economic purposes.
4. Indigenous peoples free, prior and informed consent in water management including commercial, irrigation and environmental decisions;
5. incorporate the principles of the Declaration on the Rights of Indigenous Peoples in all policies relating to Indigenous cultural rights to water and that all water legislation and policy is consistent with Article 25;
6. clean up and remove nuclear materials in oceans; and
7. provide 'priority funding' for Indigenous water security initiatives, recognizing that many Pacific Islander communities lack necessary funds, tools and supplies to respond effectively without help.

We also urge the Special Rapporteur on the Rights of Indigenous Peoples to investigate how the above abuses contravene with Articles 25 – 30 of the Declaration on the Rights of Indigenous Peoples, and report the findings and recommendations to the Permanent Forum at the next session in 2012.

Finally, we recommend to the Permanent Forum bring these 'water security issues' urgently to the attention of the Office of the Secretary General for immediate action.

The members of the Pacific caucus respectfully request that our recommendations be incorporated into the final report.

Thank you Madam Chairperson.