

## **Expert Mechanism on the Rights of Indigenous Peoples**

### **Twelfth Session - Geneva**

**15-19 July 2019**

#### **Agenda Item 9: Future work of the expert Mechanism, including focus of future thematic studies.**

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##### **INTERVENTION DELIVERED BY: Justin Files on behalf of Maari Ma**

##### **Health Aboriginal Corporation AUSTRALIA:**

The Barka (Darling River)

Water is life. It always has been. It always will be.

Australia's First Peoples are peoples of the land. We are the land and the water, and the land and the water is us.

Our people are also story tellers. Like our land and water, it's our stories that have helped to sustain us – and educate and provide us with insights - for millennia. We are the oldest continuing culture on earth and our stories endure.

I want to tell you a story today that I'm sure will be familiar to everyone here. It's a story about water, and its importance to Indigenous people around the world. It's also a story about what is being done to water.

We are all connected by water. The seas and oceans don't divide us – they link us. They even link freshwater people like me.

My country, Barkindji, is in the remote deserts of Australia. But it is centred around a great river called the Barka, which flows into the Indian Ocean. That's how a freshwater person like me is connected to a saltwater person on the other side of the earth.

The Barka is part of the largest river system in Australia, which today is known as the Murray-Darling. It has sustained our people for tens of thousands of years. But today, after just over 200 years of colonisation, the Barka is very sick.

Its waters are now toxic. Our children are not allowed to swim in it. We cannot take a feed from the Barka. The water is so toxic that earlier this year, more than 2 million fish were killed in three separate events spanning several weeks. Scientific investigations found the major cause of the fish kills was mismanagement of the river, including over allocation of water to irrigators upstream.

This has been going on for decades.

While the scale of this disaster is unprecedented on our continent, there have been major fish kills before. There was a major fish kill in the lower reaches of the Barka in 1993. Our governments simply did not learn the lessons from that disaster.

As our stories tell us, if you don't learn the lessons history offers up, then you're destined to repeat those errors. This is why our stories are so important, and this is something that everyone here today knows.

**My sister from the United States, you know the story of the Dakota Access Pipeline, and the great struggle in defence of that river by your Water Protectors from Standing Rock.**

**My brother from the Russian Federation, you know the terrible story of your nation's water. Today, 75 percent of your surface water is polluted, and half of all water is not potable, according to the standards your own government established in 1992.**

**My brother from Algeria, you know the story of the chronic water shortage in your country. One study completed in 2017 found that if the rates of water removal continued unabated, your nation would face a major water crisis by 2020. That's six months away.**

**My brother from the Philippines, you know that every day more than 9 million Filipinos will go without access to safe drinking water. By the end of today, 55 of your countrymen will have died from water pollution. That's more than 20,000 people every year.**

**My sister from Norway, you know the story of the water crisis in Oslo last year. It took less than three weeks of hot weather and no rain for your nation's capital to almost run out of water. That will only worsen under our changing climate.**

**My sister from Brazil, you know the stories of water shortages in your country. Every day 5 million Brazillians go without safe access to water. Indigenous Brazillians are disproportionately represented in this figure.**

**And of course my sister from Australia, a strong and proud Cobble Cobble woman. You know the story of the Barka, but you also know the story of the waters of your own country, which have laboured under the pressures of colonisation. Your country sits at the top of the Murray-Darling basin. Your country is linked to my country – water connects us. We have the same interests.**

I don't need to tell this panel of distinguished Indigenous leaders of the importance of water. We all know that all over the world, water is our most precious resource. It gives us life.

But for the people of my country, the Barkindji people, water is something even more.

Water gives us identity. It is a part of us, and we are part of it. The name Barkindji comes from the river – it means people of the river. We are the custodians of the Barka River, but the river is struggling to sustain us.

We all know these stories, of the damage done to the rivers that have sustained Indigenous peoples around the world for millennia.

But do we really know the stories of the effects on the Indigenous peoples who remain the custodians of these rivers, and who still sustain life from them?

In my country, we decided to investigate the effects of water pollution and low water flow on the people – all people, black and white – living on the Barka River.

But the research is not there. We simply do not know the health effects on our people of low water flows, and polluted rivers.

When the Barka runs dry, from over allocation of irrigation and from crippling drought which is made worse by a changing climate, we know that our communities get sick. We know that they suffer. But we don't know the full extent of that sickness. Without that knowledge, we are powerless to stop it.

According to the World Wildlife Fund for nature, without urgent action almost half the world's population will face severe water scarcity by 2030 without urgent action. And we all know that Indigenous peoples will undeniably be the most heavily impacted.

So we're all in this together. Indigenous peoples from around the world, connected by water, and connected by the growing water crisis.

Articles 25 and 32(2) of the United Nations Declaration on the Rights of Indigenous Peoples acknowledge the importance of water to Indigenous peoples.

Article 25 reads: "Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas..."

Section 2 of Article 32 reads: "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."

These are noble aspirations crafted with great care, foresight and wisdom. They have the full support of my people. However, they are just that – aspirations. These basic rights are yet to be fully realized in my country and realistically, these are not rights my people expect will be fully extended to them anytime soon.

So, we must wait.

We're good at that. The First Australians are the keepers of the oldest continuing culture on earth. We understand better than anyone what the passage of time means. But while we wait, we must arm ourselves with knowledge that can empower our people. We must build an evidence base that will compel states to afford water the same value and respect that Indigenous peoples from around the world have afforded it since time began.

There are obviously many practical steps we can take to preserve water. But the urgent action must include more academic research into the effects on Indigenous peoples all over the world of the mismanagement of our waterways.

If this panel can devote its energies in just one direction on the issue of water, I know that my people would appreciate a greater focus on this research.

Water is life, but knowledge is power.

**Recommendation:**

Maari Ma Health ask Expert members to:

1. Urge nation states to implement their commitment to the principles of Indigenous sovereignty and social justice by ensuring Indigenous peoples are able to exercise their right to health guaranteed by the Declaration of Human Rights and the Declaration of the Rights of Indigenous Peoples;
2. Having regard to paragraphs 20, 21, 22, 25, 34, 35 and 36 of the WCIP outcome document, the expert members consider advocating for greater global research into the health effects of poor water management and low water flows on populations, particularly Indigenous peoples, living on and dependent on rivers and waterways.

Thank you for your time.