

Item 7 (c) The Human Rights situation of indigenous peoples in states and territories threatened with extinction for environmental reasons.

Thank you Mr. Chairman/Madame Chairperson

I would like to address in this intervention the way in which the political and economic situations that we are seeing around the world today are compounding the environmental devastation being caused by human activities. The current approach to the global economy is clashing directly with the global community's stated commitment to environmental preservation, I will bring forth the specific concerns of the Black Mesa traditional Dineh and Hopi communities around coal mining. Their plight illustrates the magnitude of the problems we are facing that must be addressed on both the local and global levels. Indigenous peoples have an important role in the preservation of our environment and, I put forth to this body, we should create channels for them to contribute their wisdom and experience in the problem-solving for these prevalent and pressing issues. I will conclude with some recommendations for the UN system to take up for concrete positive results.

In Arizona, United States, the Big Mountain Sovereign Dineh Communities report that the Peabody Western Coal Company has plans to further expand their mines (located just north of Big Mountain and other traditional communities) southwards into the Big Mountain/Black Mesa plateau. There have been numerous scientific studies, **all** agreeing that such expansion would have irreversible negative environmental impact on aquifers, the ecological balance, and air and water quality in the region. The environmental destruction that the mines have created in the area has already created almost impossible living conditions for the residents, creating sickness to both people and nature. In addition to destruction of human and environmental health, the destruction to human culture would continue unchallenged in the continued violation of the religious freedom of the traditional Dineh and Hopi peoples, for whom this place is sacred and irreplaceable.

These proposals are presented to the public through the Office of Surface Mining, while local communities who are adversely affected by the coal mining activities, pollution, and aquifer depletions are not allowed to have their views respected **as** customary land users.

Due to PCC's mining and pipeline operations, many of the few remaining water springs are drying up, and the people are forced to drive an average of 50 miles roundtrip to haul water home. The situation has created conflict not only between the Indigenous Peoples in the region and Peabody but also within the Navajo Nation and Hopi tribes themselves. The traditional communities are afraid to lose the jobs that the mines provide, but are increasingly agreeing that the devastation to the land and communities must be stopped; they have agreed to stop the pipeline's consumption of pristine N-Aquifer water and to seek an alternative means of transporting coal from Black Mesa to Laughlin, Nevada, some 276 miles away.

What this means is that the federal branch of the US government, the Office of Surface Mining and Reclamation (OSM) that oversees and regulates mining activities on federal lands should not take indigenous resources, even with fair compensation, because to do so could destroy the future existence of the indigenous culture and society and possibly deprive it of its means of subsistence. This principle applies to indigenous communities worldwide.

The right of permanent sovereignty over natural resources is critical to the future well being of the land, water, and air, the alleviation of poverty, the physical and cultural survival, and the social and economic development of indigenous peoples.

Laws and legal systems that arbitrarily declare that resources once belonging to indigenous peoples are now the property of the State are discriminatory against the indigenous peoples, whose ownership of the resources predates the State, and are thus contrary to international law. State laws and policies that deny or limit indigenous peoples' interests in the natural resources pertaining to their lands appear to be vestiges of colonialism that ought to be abandoned.

In closing Mr, Chairman/Madame Chair,

We would also like to express our deepest appreciation to Special Rapporteurs Mr. Alfonso Martinez, Mr. A. Amor, Rodolfo Stavenhagen, and Mme Erica-Irene Daes for their visits and excellent reports, and their ongoing work with human rights of indigenous peoples. We especially commend Mme Daes on her 2004 Final Report on "Indigenous Peoples' Permanent Sovereignty over Natural Resources". Indigenous peoples globally continue to face rampant dispossession and discrimination concerning our resource rights, and the earth continues to suffer—Mother Earth's seasons are no longer in Her natural cycles—making Mme Daes' report a critical contribution to finding the necessary solutions.

The United Nations has an opportunity to be a leader in creating solutions, and because of the urgency of the moment and the severity of the problems, it is imperative that it acts swiftly and decisively on the international level.

- First, the UN can make sure that indigenous peoples, holders of both academic and traditional knowledge, are integrated into the major bodies at the forefront of dealing with environmental problems.
- The UN needs to implore the G8 and non-industrial countries to adhere to the original findings of the 8th Working Group Session International Panel on Climate Change and the Kyoto Treaty.
- The United Nations and inner-agencies need to tenaciously continue to engage at all levels in facilitating conferences, seminars, and workshops, for example between indigenous peoples and the private sector.
- The UN needs to mandate its inner-agencies (including but not limited to WB, IMF, and UNDP) to fully engage with indigenous people in a regular and official manner.
- To aid in securing our basic international human rights we further suggest that this Working Group put forth a resolution for the sub-commission to create a

study, which would incorporate visitations to affected areas, of legal and practical measures that may be useful for resolving issues of ownership and control over natural resources, especially subsurface resources, which are owned or claimed by indigenous peoples.

To make a change globally, we must also continue to make progress locally. We, therefore, respectfully call upon the UN's Special Rapporteur for Indigenous Peoples, Rodolfo Stavenhagen, to examine the impacts of coal, uranium, gold, oil, and gas production on the land and territorial rights, the traditional way of life, health, social and cultural survival of the indigenous peoples of Black Mesa and all other indigenous nations in other regions of Mother Earth.

The voice of the people must be heard for justice on Black Mesa, and all other indigenous nations, to ensure the protection and survival of Her children. The struggle is to protect sacred land, religion, and the survival of a traditional way of life from corporate interests

The Navajo Nation had recently passed a resolution to ban uranium development on its territories. It is the hopes of many on the land, that due to successful alternative energy plans already being explored, there could soon be a ban on coal mining on the sacred lands of Dine'tah.

I quote: "We, the Sovereign Dineh Communities of Big Mountain and Black Mesa, urge the U.N. Working Group on Indigenous Populations, the Sub-Commission, and the Commission on Human Rights to intervene in these gross Human Rights violations being committed by the U.S. We reiterate that these gross and elaborately-designed injustices endanger historical and unique traditional cultures that have existed intimately with nature before the enactment of the Relocation and Partitioning programs."

In loving memory of Roberta Blackgoat -Dineh, Tony Black Feather - Lakota and Kee Watchman - Dineh.

All our relations,

read by Daniel Zapata
Peabody Watch - Arizona