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COLLECTIVE STATEMENT

Intervention to the Eighth Session of the

United Nations Permanent Forum on Indigenous Issues 2009

Submitted by the Seventh Generation Fund for Indian Development

Agenda Item 3a: *Social and Economic Development*

PROTECTION OF WATER – WATER IS A HUMAN RIGHT

Thank you, Madame Chair, for the opportunity of addressing the United Nations Permanent Forum on Indigenous Issues. The Seventh Generation Fund for Indian Development, an Indigenous Peoples' non-governmental organization directly engaged with Indigenous communities and Nations to design and implement ecologically and culturally harmonious strategies for sovereignty, human rights, environmental and social justice, sacred sites protection, and the revitalization of traditional economies, submits this intervention on Agenda Item 3a, with the following signatories: Zuni Tribe of the Zuni Indian Reservation, American Indian Law Alliance, Cheyenne and Arapahoe Tribal College, International Organization of Indigenous Resources Development, Tonatierra, Dine' Agriculture, Tatanka Oyate, and International Indian Treaty Council.

For the last four years our organization and co-signatories have addressed the Permanent Forum on Indigenous Issues on the Protection of Water as a human right, and we are honored to do so again under this agenda item. We call for the recognition of Water as essential to Life; that it is crucial for bio-cultural diversity and for sustaining all aspects of Indigenous Peoples' survival and well-being, assuring our physical health, nurturing us spiritually and central for the continued vitality of our cultures and traditional livelihoods. We recognize Water is the most vulnerable element of all forms of Life in light of climate change and its impacts, and coupled with the encroachment of invasive development – the terracide - damaging Indigenous homelands and ecosystems, time is of the essence. We must take action now as some places are flooded and others stricken with drought. We urgently reiterate the critical significance of protecting Water sources and Indigenous Peoples' full, unencumbered access to clean Water on our territories for physical, cultural and spiritual sustenance, and advance these recommendations.

Recommendations

1. We urge that the Permanent Forum advocates for the establishment of a United Nations International Year for Water which can conduct focused research and emphasize critical concerns of Water access, potability, and holistic integrity for all aspects of life, including cultural and spiritual facets in relation to Indigenous Peoples, our Nations and ecosystems.
2. We ask the Permanent Forum to take action this year to establish Water as a theme for the ninth session and to include Water in the self-determination theme.
3. Recognizing Catarina de Albuquerque is the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation, we urge the Permanent Forum to call for her mandate to be extended. Further, to work with UNEP for an international study on Water that extends beyond drinking water and sanitation issues alone, and advance this concern in relation to the rights of Indigenous Peoples to access clean water for our spiritual sustenance and cultural livelihoods.

4. We strongly urge that the Permanent Forum recommends to ECOSOC in coordination with UNEP to call for the coordination of an official UN Experts Meeting on Water that specifically initiates a close review and assessment of Water allocation, regulation and access policies that affect the rights of Indigenous Nations, the health of our Peoples and ecosystems, and that of future generations. This high level Experts Meeting on Water can explore and establish indicators of Water Well-being for Indigenous Nations, and the world community.
5. We again implore the Permanent Forum for the immediate appointment of a Special Rapporteur for the Protection of Water and Water Catchment Areas to gather testimony directly from Indigenous Nations of the world targeted for or impacted by Water privatization, diversion, toxic contamination, dams, pollution, commodification, non-sustainable energy development, and other environmental injustices that damage Water sources on which Indigenous Peoples. This recommendation was carried forth by the Permanent Forum to the Economic and Social Development Council when we first requested this in 2005, and we ask that this appeal is recognized and advanced by this body to ECOSOC again this year.
6. That any initiatives related to Water must observe and recognize all articles of the Declaration on the Rights of Indigenous Peoples, including treaty rights to Water.
7. We affirm President Evo Morales' call for a UN Convention on Water in 2008, and further, that Indigenous Peoples fully participate in the development of that convention.
8. We commend the UN General Assembly for naming April 22nd the annual Mother Earth Day and ask that Water be highlighted as part of the related activities
9. We condemn the use of national militaries and corporate private armies employed to prevent Indigenous communities' access to their traditional Water sources for drinking, agriculture, fishing, transport, and ceremonies, we call on the Permanent Forum to take leadership in working with ECOSOC to denounce repressive actions and call for a halt to such abuse of security forces and any legislation that inappropriately justifies this.
10. We affirm and support the Permanent Forum advancing the call for a World Conference on Water and Peace with full and effective participation by Indigenous Peoples and Nations and ask that steps are taken to make this a reality.

Narrative Justification

We call it *K'yawe, Pa'a, Mni, and Nigi*; Water – The Lifegiver. The significance of Water is expressed in a rainbow of songs, stories, and ceremonies, holding a potent place in our cultures, linking us together in a continuous, Life-affirming cycle. And yet, increasingly, our territories are either parched or flooded – being destroyed by the unquenchable greed of industrialization, a feature of colonization. Springs that our ancestors emerged from within the womb of Mother Earth, the precious watersheds that feed our lakes and fields and sustain our bodies, and rivers that carry our prayers to the forever after, are being contaminated, dammed, diverted, and siphoned. Ancient glaciers are fast melting into the sea, displacing our peoples, threatening our coastal zones with submersion and endangering the continuity of all Life.

Human rights violations, including the ongoing invasions onto Indigenous territories, and the attendant wrongful taking of our natural resources, particularly the nearly unhindered exploitation, diversion and commodification of Water, obstruct critically needed access to our Waterways and threaten the survival of Indigenous Peoples and of our distinct cultures. These assaults have direct and tremendously destructive impacts and further impoverish our already vulnerable, besieged Peoples, and threaten our spiritual survival.

Air poisons us and now the sun and the rain burn. The land, our Mother Earth, bleeds toxins. Water is undrinkable, or further unreachable. Our ancestors and leaders have prophecies that foretell of these changes now occurring across the globe. And, we must be proactive in finding ways to survive because the Natural Law – the spiritual justice that is unfolding in response to assaults against the Earth - will have no mercy. The accelerating impacts of Climate Change on Indigenous Peoples' Water systems and accessibility, exacerbated by the continuing privatization and exploitation of Water on our territories by ever-thirsty multi/trans-national corporations, shortsighted governmental development policies, mega-development, and other encroachment by non-indigenous settlements, pose new challenges with which our Nations are faced. This forces us into poverty and pushes us further to the edge of existence, where many are already barely holding on by their fingertips for survival.

As different strategies are created to respond to the loss, contamination or diversion of Water resources, Indigenous Peoples' retain our right to free, prior, and informed consent before any development takes place on our territories, by any outside entities, including the World Bank and States, whose actions may impact or abrogate our aboriginal and/or treaty rights including the human right of access to clean Water for all aspects of our life. We maintain that Indigenous Peoples have a right to say "no" to halt any development on our territories because we know that what some may consider sustainable solutions does in fact, displace our Peoples, exploit our territories, subvert our cultures, and further oppress the accessibility and health of our water systems and homelands.

Esteemed members of this Forum, according to UN Water research, "884 million people in the world lack access to safe drinking water, and 2.5 billion do not have access to basic sanitation. 'Unfortunately, but unsurprisingly, those who suffer the most from lack of access to water and sanitation, are the poorest, the most marginalized and the most vulnerable,' asserts Ms. de Albuquerque, noting in particular the situation of women, children, and persons with disabilities. Globally, 1.6 million people, mostly children, die each year from water and sanitation related causes." Indigenous women throughout the world who often have the primary responsibility of locating and carrying Water for the survival of their families, and may risk their lives to do so, now find only dust instead of Water.

For example, in the high desert, arid southwestern region of the United States, the Zuni River is critical to the physical and spiritual sustenance of the A:shiwí/Zuni people. During the fourth and fifth Permanent Forum Sessions (2005-2006), we shared with Forum members the unique characteristics of the river as a sacred waterway, an umbilical cord linking Zuni people with a spiritual destiny, carrying prayers and offerings to Zuni Heaven, a final everlasting place. When it flowed freely, the River fed streams and springs that nurtured thousands of acres of corn, beans,

squash, and alfalfa fields that were cultivated and sustained the people, and supported an abundance of wildlife, which is necessary to nourish Zuni cultural sustenance and a rich ceremonial life. In the 1890's the River was dammed and diverted by the Ramah Cattle Company empowering Mormon missionaries upstream, altering the natural flow and life of the waterway. Today, what was once a vibrant, moving waterway that sustained thousands of people, animals, plant and water-dependent species has been drained, leaving only a dry riverbed where a vital river once flowed. 1982 was the last time the Zuni River flowed through the village since the Ramah Dam was built. Now our land is always thirsty.

And on the same Indigenous territory, a sacred site known as Zuni Salt Lake, has been targeted for coal and methane gas development. Salt in an arid environment is critical to the Peoples' survival. For the A:shiwi, this is also the dwelling place of a spiritual mother. It is also a place of peace for neighboring tribes to ceremoniously gather salt. The exploitation threatening Zuni Salt Lake would siphon millions of gallons of pristine water from beneath the lake for the mining, and create persistent toxins and contaminants that would forever alter the integrity and home of Salt Mother, as and the well-being of the Zuni and other tribal Nations in the region culturally and nutritionally reliant on Zuni Salt Lake.

Elsewhere in the southwest region, when the Navajo Dam was built, it destroyed key cultural sites, including the place of the Water that Flows Together Clan.

These are just three examples in one region of the world. We know that in too many places a polluted stream is our only source of Water. In too many places, our peoples are struck down by waterborne and vector borne disease, due to the lack of accessible, clean water on our territories caused by diversion and contamination, and the impacts of Climate Change. We hunger and can no longer plant our gardens, not because we have forgotten how to nurture life from a seed, but because without access to Water, our crops cannot flourish, and we cannot thrive without them. Our Water ceremonies are dying and our songs for the Water no longer fill the air.

Brothers and sisters of the world, are we prepared for what will happen when the world grows dry and quiet? What were once rich landscapes awake with forests and gardens, rivers and cornfields, alive with animals and birds, and a harmonious biodiversity of Indigenous cultures, are quickly becoming parched lands which only our tears can soften. Soon, even our most lush lands will be barren. Soon, even our tears will dry up and we will only have blood in our eyes as the wars for oil quickly transform into Water Wars that shroud the globe in a clash which humanity cannot survive. The Earth will burn. Too many of us are already dying of thirst. Our children, and the generations to come, will inherit this conflict and it is for them that we call upon the Permanent Forum and offer this intervention, for the Water - the essence of Life, for world peace.

Elahkwa – Thank you.