

## INDIGENOUS PEOPLES' DECLARATION FOR THE 2023 UNITED NATIONS WATER CONFERENCE

We, the representatives, organizations, authorities and members of the Indigenous Peoples of the seven socio-cultural regions, have reflected, discussed and developed recommendations for the actions required by the international community to protect, defend and safeguard water. For Indigenous Peoples, these actions, to be effective, must recognize and implement our rights and knowledge within the framework of the 2023 United Nations Water Conference taking place in New York March 22-24, 2023.

We welcome the initiative of the United Nations to bring together at this critical time the Member States, the private sector, NGOs, Indigenous Peoples and other actors to conduct the "mid-term review of the Decade of Action for Water, 2018-2028". We recognize the urgent need for the world community to define and commit to effective strategic responses to the dual water and climate crisis. We extend our appreciation to the co-hosts of the Conference, the Republic of Tajikistan and the Kingdom of the Netherlands and commend their efforts in this regard.

We have analyzed the processes and discussions to date that have created the current policies at the UN and other international spaces impacting water, as the source and basis of all life. We have concluded that Indigenous Peoples, our rights, knowledge and time-tested solutions have not been effectively included nor considered in most of these discussions. We appreciate that the 2023 UN Water Conference has opened a small window for Indigenous Peoples to be heard as rights-holders, and for our contributions to be included in the outcomes.

We categorically affirm that Indigenous Peoples around the world continue to be primary actors in the care, protection and regeneration of water based on our deep and long-standing spiritual, cultural and economic relationships with water in all its forms and sources.<sup>1</sup> Since time immemorial, we have relied on our own methods, techniques, sciences, ceremonies, and interdependent relationships with the ecosystems that sustain and are sustained by water as a sacred source of life.

For Indigenous Peoples, water is an inherent and inalienable right and responsibility.<sup>2</sup> Water will continue to sustain us only if conscious and committed measures are taken for its protection. We honor water as our first home. It is essential for the production of our food and for the reproduction of all species. Clean water is an essential traditional medicine, a source of healing and life-renewal in our ceremonial and spiritual practices. ***We are water and without it we would not exist.***

We therefore reject absolutely the commodification, privatization and dispossession of water being implemented by states and private sector entities around the world. Our original sources of water are being diverted to urban areas, mega-dams, extractive industries and large-scale agriculture production, systematically violating our inherent, internationally recognized rights, *inter alia*, to self-determination, self-government and autonomy, means of subsistence, health, lands, territories and natural resources, and

Free, Prior and Informed Consent.<sup>3</sup> These policies and practices result in repressive and often violent outcomes for Indigenous Peoples, depriving us of our traditional lands and territories, diminishing and contaminating our water sources, and further contributing to the water crisis we are facing in our homelands caused by climate change.

We are deeply concerned that current national and international policies continue to allow widespread deforestation, mining, drilling and use of highly toxic agro-chemicals, contaminating water systems that nurture millions of species around the world. We are particularly concerned by the continuing contamination and poisoning of water sources by toxic waste produced by mining and drilling activities.<sup>4</sup> These include contaminants such as mercury, which have well-documented, devastating impacts on maternal, child and intergenerational health and development. Many of these extractive activities also contribute directly to the global climate crisis and further diminish Indigenous Peoples' capacity to adapt.

We affirm that Indigenous Peoples continue to carry out a vital role in the protection of the Natural World and its original biodiversity. We continue to maintain and practice our sacred responsibilities as caretakers and protectors of water in all its forms including rivers, streams, lakes, springs, rain, snow, ice and oceans. We will continue to do this as an unwavering commitment. However, for us to realize and implement this commitment, it is essential that global institutions, international organizations, national, regional and local governments, as well as national and transnational corporations fully recognize and respect our rights. These include, *inter alia*, rights affirmed in Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples in Independent Countries, the American Declaration on the Rights of Indigenous Peoples,<sup>5</sup> the United Nations Declaration on the Rights of Indigenous Peoples and the rights affirmed in Nation-to-Nation Treaties and Agreements with settler governments.

We insist that all initiatives related to water, and specifically those that are carried out within our traditional lands and territories, be undertaken only with our Free, Prior and Informed Consent and full participation in decision-making by our authorities and representatives designated by our own Peoples.<sup>6</sup> We reject the manipulations being carried out by some States to circumvent the true representation of Indigenous Peoples through falsified or watered-down consultation processes.

We also call upon States, international agencies, financial institutions, and the United Nations System<sup>7</sup> to support all initiatives and actions developed by Indigenous Peoples regarding water, respecting the self-determination, autonomy and self-government of our Peoples according to our own forms of organization, land tenure, and resource management systems.

We endorse the contributions to advance the respect and defense of our rights developed in the thematic reports presented to the Human Rights Council and the UN General Assembly by the Special Rapporteurs on the Right to Water and Sanitation, the Special Rapporteur on Toxics and Human Rights, and the Rights of Indigenous Peoples. We also welcome the recommendations of the UN Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples in this regard.<sup>8</sup>

Finally, we condemn and reject with one voice the systematic repression, persecution, kidnapping, assassination and criminalization of Indigenous Peoples and their authorities, leaders, and representatives who are defending their rights to lands and territories including their right to water. We also reaffirm the essential role of Indigenous women as water protectors, water defenders and water knowledge holders and call for their practices, and contributions and leadership to be recognized and safeguarded.

Based on the above, we recommend that the United Nations 2023 Water Conference outcome document include firm commitments by States and the UN System to:

1. Recognize, support, and respect Indigenous Peoples' scientific knowledge, cosmovisions and time-tested practices for the preservation, protection, management, use, and distribution of water in all its forms, and to ensure the full and effective participation of Indigenous Peoples in the creation and implementation of national and international policies affecting and addressing water, including Indigenous knowledge-holders, women and youth.
2. Respect and uphold the rights of Indigenous Peoples recognized and affirmed in instruments of the United Nations and other intergovernmental bodies in the development and implementation of national and international policies and actions for water protection, mitigation of climate change, forests, desertification and protection/recovery of Biodiversity. These include, *inter alia*, the rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples to Free Prior and Informed Consent, Self-Determination, and rights to lands, territories and natural resources including water.
3. Hold UN member states, private companies, extractive industries, landowners, UN bodies and other entities accountable for failure to fully respect and implement the rights of Indigenous Peoples, including to Free Prior and Informed Consent regarding extractive development as well initiatives carried out in the name of sustainable development, biodiversity conservation, climate change mitigation, and the creation of "protected areas" which deny access to traditional sources of food and water.
4. Halt the persecution, repression and criminalization of Indigenous Peoples defending rights to lands, territories and resources including water, and ensure effective mechanisms to bring perpetrators to justice.
5. Recognize and prioritize in their policies and programs the collective human responsibility to safeguard and protect water, and further recognize that privatization, usurpation, contamination and commodification of water are crimes against humanity that produce conflicts, deaths and dispossessions around the world; halt the exploitation of water by mining, damming and industrial uses that are causing the destruction and contamination of water sources and waterways,
6. Establish mechanisms and resources to ensure the ongoing active participation of Indigenous Peoples in international discussions impacting and addressing water. We urge the United Nations Voluntary Fund to support with funds, the participation of our representatives in future discussions, and for States to support this engagement.

In conclusion, we offer the following commitment to be added to the commitments of the UN 2023 Water Conference: ***Indigenous Peoples commit to actively engage, coordinate and plan with national, regional and local governments as well as UN bodies, based on their full recognition of our rights and respect for the value of our contributions, in order to produce positive results for the protection of water, and promote solutions that benefit our future generations, the natural world and all humanity.***

Finally, we request that the United Nations Secretary General register, post and circulate this Declaration as an official document submitted for the United Nations Water Conference.

Signed and endorsed by the following Indigenous Peoples and organizations [partial list]:

International Indian Treaty Council (IITC); Center for Support of Indigenous Peoples of Northern Russia; Asia Indigenous Peoples Pact (AIPP); Indigenous Peoples of Africa Coordinating Committee (IPACC); World Reindeer Herders Association; Pacific Indigenous & Local Knowledge Centre of Distinction; United Confederation of Taíno People (UCTP); Coordinadora Andina de Organizaciones Indígenas (CAOI); Centro para la Autonomía y Desarrollo de los Pueblos Indígenas (CADPI); Asamblea Nacional Indígena Plural por la Autonomía (ANIPA-México) and Alianza de Mujeres Indígenas de Centroamérica y México (AMICAM).

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<sup>1</sup> Report of the Special Rapporteur on the human rights to safe drinking water and sanitation, Pedro Arrojo-Agudo on the Human rights to safe drinking water and sanitation of indigenous peoples: state of affairs and lessons from ancestral cultures. Presented to United Nations Human Rights Council, 51st Sessions, September 12 – October 7, 2022.

<sup>2</sup> FILAC affirms that “according to the World Bank, of the 7,837 million people living on the planet, 2,000 million do not have access to safe water to meet their most basic needs. 446,000 children under five years of age die annually from diseases linked to the consumption of safe water. 3,000 million people depend on transboundary river basins in constant tension for this vital element.” FILAC

<sup>3</sup> Articles 3, 10, 19, 20, 24, 26, 32, and 37, United Nations Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly on September 13, 2007.

<sup>4</sup> Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, Marcos Orellana. The impact of toxic substances on the human rights of Indigenous Peoples. A/77/183

<sup>5</sup> Organization of American States. General Assembly. American Declaration on the Rights of Indigenous Peoples. Adopted at the third plenary session, held on June 15, 2016. AG/RES. 2888 (XLVI-O/16)

<sup>6</sup> Article 18, United Nations Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly on September 13, 2007.

<sup>7</sup> Article 41, Ibid.