Statement by Mr. Marcos Orellana

SPECIAL RAPPORTEUR ON THE IMPLICATIONS FOR HUMAN RIGHTS OF THE ENVIRONMENTALLY SOUND MANAGEMENT AND DISPOSAL OF HAZARDOUS SUBSTANCES AND WASTES

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Excellencies, distinguished delegates, colleagues,

Exposure to hazardous substances is a form of environmental violence against indigenous peoples.

The report that I am presenting today addresses the human rights violations and abuses that indigenous peoples suffer from the toxic contamination of their bodies, lands and territories.

Mr. President,

In many parts of the world, State sovereignty and effective control over territory are fictional principles. The capability of the State to effectively regulate fossil fuel and extractive industries is an illusion. However, States utilize these principles to attempt to legitimize the extraction of natural resources found in indigenous peoples’ territories, despite the widespread violation of their human rights.

To satisfy the expansion of a global economy addicted to extractivism, States and businesses step into ever remote regions, searching for metals, minerals, and fossil fuels, leaving a legacy of pollution and dumping of hazardous substances.

About 50% to 80% of all mineral resources targeted for extraction by mining companies are found on indigenous peoples’ lands and territories.

Oil and gas companies continue to explore and exploit hydrocarbon deposits even as the planet faces a climate emergency. This invariably results from States promoting fossil fuel industries, often in indigenous peoples’ lands and territories.

In various countries, agribusinesses are encroaching on indigenous peoples’ lands, exposing them to the hazardous pesticides used in monocultures. Aerial fumigation indiscriminately spreads toxic substances that drift on crops and waters upon which indigenous peoples depend for material and spiritual sustenance.

Hazardous waste dumping, including in abandoned military facilities, leaves indigenous peoples with decades long health and psychological trauma. At times such dumping renders their territories uninhabitable. Forced displacement resulting from toxic pollution threatens indigenous peoples’ very existence.

Mr President,

Indigenous peoples’ voices are too often silenced in decision-making processes involving chemicals and wastes. This is a form of racial discrimination that aggravates the disproportionate harm indigenous peoples suffer from toxic pollution.

Indigenous peoples have limited access to health-care services, and their traditional health practices cannot cope with the new and unfamiliar health problems that emerge from exposure to toxics.

Access to justice by indigenous peoples that seek remedies for the adverse effects of toxics is limited. State discrimination, corruption, and a lack of protective laws cement their continued marginalization.

Mr. President,

The heavy impact of toxics on indigenous peoples infringes on their recognized collective and individual rights.

Exposure to toxics has caused harmful effects on endocrine and reproductive functions, birth defects, cancers, and deaths.

Exposure to toxics is an assault on personal integrity.

The environmental violence inflicted upon indigenous peoples also infringes on their rights to culture, lands and natural resources; self-determination; and a clean, healthy and sustainable environment, among others.

Mr. President,

States have an obligation under human rights law to respect and protect indigenous peoples’ right not to be exposed to toxic and hazardous substances.

As a matter of priority:

States should identify activities and industries that cause toxic effects on indigenous peoples, and adopt immediate actions to stop the influx into indigenous territories of toxic industrial chemicals, pesticides and hazardous wastes.

States should end the double standard of allowing the production and export of highly hazardous pesticides that they ban for use in their own territories. This is a form of exploitation that externalizes the health and environmental impacts of toxic pesticides on the most vulnerable.

International instruments on chemicals and wastes should carry out specific programmes to uphold indigenous peoples’ rights.

Business enterprises should seek and obtain free, prior and informed consent from indigenous peoples whose rights, lands and livelihoods would be affected by their activities.

To conclude, Mr. President,

The loss of indigenous cultures that results from the toxic violence they suffer, deprives humanity from the richness and shared heritage of its spiritual mosaic.

The effective enjoyment of the rights recognized by the UN Declaration on the rights of indigenous peoples rests on respect for the right to live in a non-toxic environment.

Toxic substances should have no place in the lands or bodies of indigenous peoples.

Thank you very much.