

HUMAN RIGHTS COUNCIL 51st SESSION

STATEMENT BY THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS TO SAFE DRINKING WATER AND SANITATION MR PEDRO ARROJO AGUDO.

THEMATIC REPORT “Human Rights to safe drinking water and sanitation of indigenous peoples: state of affairs and lessons from ancestral cultures” A/HRC/51/24

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Excellencies, it is an honour to present to the Human Rights Council my thematic report, “Human Rights to safe drinking water and sanitation of indigenous peoples: state of affairs and lessons from ancestral cultures”.

This report refers to indigenous peoples, who are the original peoples of islands and continents worldwide, who live marginalized and, in many cases, under extreme poverty. Peoples who, despite suffering all kinds of injustices, have been able to preserve their ancestral worldviews, knowledge and practices that today are exemplary and wise when facing the global water crisis, both in terms of sustainable management and the democratic governance of drinking water and sanitation.

According to article 25 of the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples have the right to own, occupy and use the lands, resources and waters in their territories, with legal recognition and respect for their traditions, customs and land tenure systems.

For indigenous peoples, water is the blue soul of life, part of an interconnected whole that includes lands, living beings and their own human communities, promoting integrated territorial management based on a deep and even sacred respect for the rivers, springs, lakes and wetlands that they care for in an exemplary manner; a vision that offers a genuine expression of the principle of sustainability and the ecosystem-based approach we are trying to promote today in water planning and management worldwide.

On the other hand, their consideration of water as a common good, and not as a commodity, accessible to all but not appropriable by anyone, and its community management, offers an example of the democratic governance of water under a human rights approach, aligned with what I advocate for as Special Rapporteur, fulfilling the commitment of leaving no one behind. In this regard, some participatory, holistic and sustainable community water management systems deserve to be highlighted, such as the Mayan peoples of Totonicapán, Sololá and Chimaltenango in Guatemala, or the Tagal system recognized by the State of

Sabah in Malaysia, based on the protection of their rivers. It is also worth highlighting the decision of the Mexican government to recognize, after a long conflict, the complete autonomy of the indigenous peoples of Oaxaca to manage their aquifers.

In their role as life-givers, indigenous women have the sacred mission of taking care of water for future generations and protecting cultural traditions, spiritual practices and knowledge to promote a virtuous use of water. However, despite also assuming the hard work of transporting water to their homes, as in non-indigenous communities, they are often marginalized in decision-making.

The problems and challenges are many and far-reaching.

Many countries, intending to exhibit an image of national unity and citizenship equality, deny the very existence of their own indigenous peoples, ignoring existing international agreements. However, I must stress, Excellencies, that denying identity and cultural diversity neither strengthens democracy nor promotes equity. By denying the recognition of indigenous peoples, they are denied their right to self-determination, and control over their territories and their waters, aggravating their situation of vulnerability and facilitating projects that violate their human rights to safe drinking water and sanitation.

At the same time, in many countries that formally recognize their indigenous peoples, their right to self-determination and control over their territories and waters is not guaranteed and their right to a free, prior and well-informed consultation is not fulfilled or is distorted. Under the intended argument of national sovereignty over natural resources and water, or by manipulating the so-called general interest, the right of indigenous peoples to free, prior and informed consent is often relegated to the background.

Mining, often in the open, not only destroys territories, springs, wetlands and aquifers but also pollutes waters with toxic discharges. In Brazil, mercury has contaminated the Tapajós River, which supplies the Mundurucu people; the Lakota people in the United States, denounce the same type of contamination, while in Colombia, the Wayuu people are seeing how coal mining contaminates their waters. In the Philippines, peoples who depend on the Didipio River are seeing their waters poisoned with heavy metals.

In addition, large hydroelectric dams that continue to be built flood homes and lands that are essential for the life of indigenous peoples, forcing their displacement, aggravating their situation of vulnerability and hindering their access to drinking water.

Also, large projects of alleged environmental protection are promoted for tourism in territories whose ecosystems and biodiversity have been conserved for centuries by indigenous peoples, who are then displaced or subjected to severe restrictions. In this regard, I am concerned about the indigenous Maasai in Tanzania at risk of being forcibly evicted from their lands to favour the Ngorongoro Conservation Area.

Equally concerning is the promotion of agro-livestock developments by grabbing indigenous lands and waters, expropriating their lands without compensation or consultation, which are then sold or rented to large producers under the alleged argument that they were not legally registered. These developments often pollute water, as is the case with the oil palm plantations that pollute, among others, the San Román River in Guatemala, on which the Q'eqchi people depend.

Governments have an obligation to guarantee the human rights to safe drinking water and sanitation of indigenous peoples, respecting their right to control the waters in their territories. In the river basins or aquifers that exceed the limits of indigenous territories, indigenous peoples' participation in the planning and management of these ecosystems must be guaranteed on an equal footing with non-indigenous populations.

Governments must make financial, human and technical means available to indigenous authorities that allow them to guarantee the human rights to drinking water and sanitation for their populations, covering the historical debt they suffer on this front, as on so many others.

Governments, International Cooperation, Financial Institutions and the United Nations have an obligation to monitor compliance with indigenous rights and, in particular, their rights to drinking water and sanitation when projects are promoted in their territories.

They also have an obligation to promote intercultural dialogue with indigenous peoples based on respect of their worldviews, knowledge and ancestral practices; they must develop educational and training programs, offering understandable information in indigenous languages as well as actively collaborating with indigenous peoples to prepare and publish data regarding their water and sanitation situation. Allow me to cite the positive and commendable example, among others, of the Alaska Native Tribal Health Consortium, which in collaboration with the Cold Climate Housing Research Center, offers sanitation systems adapted to the arctic indigenous territories.

The follow up of the projects indigenous territories could be strengthen promoting national legislation that would hold transnational corporations accountable in their countries of origin over their actions in indigenous territories abroad.

To finalize, I would like to highlight a challenge that affects us all, indigenous and non-indigenous. Governments and indigenous peoples themselves have an obligation to promote the equal participation of women in projects and decisions related to drinking water and sanitation, including hygiene and, menstrual hygiene, not only for reasons of justice but also to improve the management of these services based on the experience, knowledge and commitment of women in the territories.

To conclude, allow me, Excellencies, friends, brothers and sisters, to close my statement with a self-critical acknowledgement to indigenous peoples, asking for forgiveness, as a

white man who descends from colonizing powers, for the abuses and injustices committed; and to express my recognition and gratitude for the example of dignity, perseverance and wisdom that the indigenous peoples of the world have given us and continue to give us every day.

Thank you.