

**High Commissioner for Human Rights  
Presentation on  
Rights to Water**

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1. Water is the source of life. The Indigenous Peoples have been told by their Elders that water is needed by all living beings. No creature can exist without water. During one of the most significant spiritual ceremonies of the Cree, the Elders discuss the importance of water for more than a half a day. So, water is a source of life. When we come into the world, the water of our mother breaks to announce our arrival.
2. The right of safe drinking water is an unquestionable human right. People should have the right to sufficient supplies of water to meet their essential needs and to have access to acceptable facilities for their human dignity, health and environmental protection.
3. The International Covenant on Economic, Social and Cultural Rights in which States recognize that “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and the continuous improvement of living conditions (article 11, paragraph 1) and “the right of everyone to the enjoyment of the highest attainable standards of physical and mental health” (article 12, paragraph 1).
4. The Protocol on Water and Health to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes adopted under the auspices of the United Nations Economic Commission for Europe and the World Health Organization, which focuses especially on ensuring “adequate supplies of wholesome drinking water” and “adequate sanitation”.
5. The Declaration on the Rights of Indigenous Peoples as adopted by the Sub-Commission on the Promotion and Protection of Human Rights and the Working Group on Indigenous Peoples. We refer to articles 1,3,25,26,27,28 and 31 which make reference to the rights of Indigenous Peoples and rights to their environment including water.
6. The Kari-Oca Declaration in 1992 made by Indigenous Peoples on the eve of the Rio Summit on the Environment and Development wherein Indigenous Peoples reaffirmed their commitment to the future generations.
7. Water as the World Bank has determined will be the most valuable commodity on the face of the earth in 2050 making the work of a Special Rapporteur on this issue a high priority. Indigenous Peoples should have a large role to play in this study.
8. Indigenous Peoples have always been concerned about water. We are attaching a number of documents related to Indigenous Peoples concerns on water that arise from activity on or near water in the northern part of Canada.

9. We make the following recommendation for the study. Everyone should have a right to a sufficient quantity of clean water for personal and domestic use.
10. Everyone has the right to water. It should be physically near and accessible.
11. There should be sufficiently and culturally quality.
12. Water should be in an area that is physically secure.
13. Water must be available at a price that everyone can afford without compromising their ability to acquire other basic goods and services.
14. Indigenous Peoples governments must be involved in making decisions related to water.
15. Canada does not recognize that Indigenous Peoples can negotiate water rights within their territory. This is a violation of Treaties and inherent rights.
16. Canada should recognize that Indigenous Peoples knowledge has an ability to care for water for the future generations.

*Indigenous right to water: cases where Canada has infringed on these rights<sup>1</sup>*

*Introduction:*

The industrial development in Denendeh (Northwest Territories, Canada), particularly mining, provides specific examples of instances where the government of Canada has sanctioned or allowed the infringement upon Indigenous Peoples' water rights. There are other examples that could be used to illustrate the contamination of freshwater bodies including issuance of mine development permits and remediation of sites. The Giant Gold mine in the traditional territory of the Weledeh people (Yellowknives Dene First Nations), and exploration and development of diamond mines (Ekati, Diavik, and Snap Lake) in the north slave geological province (the shared territories of Tlicho and Akaitcho First Nations), will serve to illustrate.

*Illustration A:*

Beginning in 1938 both Giant and Con mines developed without the informed and prior consent of the Weledeh people (Yellowknives Dene First Nations at Ndilo and Dettah) on whose lands these mines grew (present day City of Yellowknife). Both gold mines operated until 2003. The infringement on the rights of the Weledeh people include the illegal dispossession of their title, negation of Treaty 8, contamination of lands and waters by the actual mine sites including extensive tailings ponds, and during the remediation process.

Arsenopyrite (FeAsS) was roasted at either mine to extract gold. A by-product of this industrial process included creating various elements such as Arsenic trioxide (AsO<sup>3</sup>) and Sulphur dioxide (SO<sup>2</sup>). From 1948 Giant Mine released AsO<sup>3</sup> dust from smoke stacks. After 1959 most of the dust was collected until production ceased in 1999. AsO<sup>3</sup> is highly volatile and soluble in water thus once released into the environment it easily contaminates water. This denies Indigenous Peoples the right to safe clean water, and

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their traditional territories from which their diets/lifeways and culture are based. Mining Watch Canada ([www.miningwatch.ca/index.php?/121/Giant\\_Mine](http://www.miningwatch.ca/index.php?/121/Giant_Mine)) found,

For the first three years of operation, no pollution control devices were used and as much as 7,300 kg/ day of arsenic trioxide went up the stack. An electrostatic precipitator was installed in 1951 and a baghouse dust collector in 1959 that reduced these emissions to a few hundred kg/day. The arsenic trioxide that was collected was pumped underground and about 10-13 tonnes added every day. Arsenic trioxide emissions continued at a rate of about 25 kg/day. No pollution control equipment was ever installed for the sulphur dioxide emissions that were about 50-65 tonnes/day.

During remediation consultations (2004-5) the Yellowknives Dene demanded of Canada reasonable safety, mitigation, and a long-term solution to exposure of the 237,000 kg<sup>3</sup> of arsenic trioxide (AsO<sup>3</sup>) stored underground. Although the material has not changed chemically, it has been banned as a toxic substance. It was once collected at Giant, packaged and exported under Canadian regulations to southern Canada, the United States, and elsewhere, as a wood preservative. The remediation is being managed by Canada, Department of Indian and Northern Affairs (INAC). Against the expressed wishes of the Yellowknives Dene, INAC has proposed a hypothetical “freeze block” option using thermosyphons and other engineering to artificially freeze the ore around the underground chambers and stopes where the AsO<sup>3</sup> is currently stored. The material continues to reside, leach and migrate through the ecosystem, including in water and biological organisms (fish and plants) near tailings ponds, beach heads where tailings have accumulated, on the land where decades of emissions continue to cycle through, etc. The continued risk to the Yellowknives Dene from both the mines and now the remediation, are obvious.

Sometimes remediation can infringe even further on Indigenous water rights, in particular when Indigenous peoples are ignored during remediation planning. Recent remediation of Giant mine has included, for example, moving a creek at the outlet of the pump house where mine waters are released, after being treated to remove As, into the environment. A two kilometer section of Baker Creek, which runs throughout the Giant mine, including a small pond where water once pooled, has been moved and engineered to avoid seepage and warming above some of the AsO<sup>3</sup> filled chambers and stopes. The creek had, until remediation, hosted a spawning run of Blue fish (Arctic Grayling - *Thymallus arcticus*) every spring.

Unfortunately, the data contained in traditional knowledge, including baseline data of environmental conditions before development began at these mines, is discounted by INAC. The Yellowknives Dene, like other Indigenous peoples are concerned and question to what levels contaminated mines will be cleaned (orphaned and abandoned sites), because these were once the lands and waters that sustained them. During remediation issues are discussed, the Canadian Council of Ministers for the Environment guidelines on water quality is debated, should sites be cleaned to industrial, agricultural or residential standards? At the end of the day when Indigenous peoples can no longer use an industrial site and the surrounding area because the system is full of contaminants

then in addition to their human rights being violated they have also lost the ability to practice their cultures and traditional diets (for loss of contamination of traditional foods).

*Illustration B:*

Three diamond mines have, since 1992, grown in the North Slave Geological Province, the lands of the Tlicho and Akaitcho First Nations. Water and land permits are issued by the Mackenzie Valley Land and Water Board, and their enforcement is under the authority of the federal government of Canada (Department of Fisheries and Oceans, Environment Canada, and Indian and Northern Affairs Canada). For First Nations governments, this arrangement has undermined both the authority and the capacity they would need to be involved in both the regulatory overview of the mines and the enforcement of regulations. First Nations do have certain limited involvement in these legislated bodies. Furthermore, the environmental monitoring agencies and boards set up to monitor the environmental and socio-economic impacts from each mine have attempted to bring both science and traditional knowledge together. However, safeguarding Indigenous water rights is not a specific focus for any one agency, but the overall integrity of the environment is seen as a primary concern for First Nations. The boards and agencies should strengthen traditional knowledge by its involvement. Traditional knowledge is at a disadvantage; however, because the overall process strengthens non-indigenous understandings/language within a bureaucratic system.

In order to understand if Indigenous rights to safe and clean water are significantly impacted by the Diavik, Ekati and Snap Lake mines a range of subjective and objective environmental measures are being made. The three mines were built on the contingency that there would be extensive monitoring and involvement of directly impacted First Nations. However, Indigenous peoples are largely kept out of this process because they lack the technical capacity to engage in scientific monitoring. Moreover, monitoring and mining only has a secondary interest in employing Traditional Knowledge systems. Furthermore, our measures (either in science or traditional knowledge) are based on a very short time period in which the mines have been operating.

The monitoring agencies are beginning to see some changes to water chemistry, fish habitat, as well as the obvious draining of several lakes (including dyke systems) as open pit mines, and impacts on migration routes due to infrastructure and other impacts (i.e. dust). Regarding infrastructure, the ice road that is run and operated annually by a private consortium is not subject to an environmental assessment (exempt from the Canadian Environmental Assessment Act) even though it passes through sensitive habitat and interrupts the migration route for at least two major caribou herds (which Biologists now say are in decline). It is difficult to know the short and long term impacts from CO<sub>2</sub> emissions from diesel and gas engines, air traffic, and emissions, and associated introduction of foreign substances are on the pristine and fragile tundra watersheds. Without exception, mining has introduced exploration camps, drained lakes, deposited kimberlite and produced acid rock drainage, created dust from roads, increased use of water for various purposes, etc. The Independent Environmental Monitoring Agency publishes an annual report for BHP Billiton's Ekati diamond mine. There is extensive

monitoring of water quality around the mine site and over the years we have seen increases in Molybdenum, PH, Sulphate, Potassium, and some increases in Copper.

In some cases our knowledge about these mines is data rich, for others we are data poor. The issue of cumulative effects is a case in point. First Nations, government and industry has yet to agree on the extent and method of evaluation. The increases or significant changes experienced today are met with skepticism. Validating results and drawing cause and effect relationships in nature is difficult. However, Traditional Knowledge can speak to these changes noticed in the environment. For example, when Elders see caribou numbers drop some link this directly to mining. In turn the companies claim the problem is more complex and a result of other human intervention in the area. Access can lead to over-harvesting so can increased competition and lack of management/enforcement. The cumulative effects story is complex; measures need to be taken once an impact is observed (in science or traditional knowledge), regardless of whether managers have all the information about cause and effects (this is in effect the Precautionary Principle).

Indigenous peoples, as a result of either recent diamond mine development or the phasing out of orphaned and abandoned gold mines, have been alienated and their rights have been violated. The companies and government of Canada have not attempted to address these infringements to any serious extent. Indigenous peoples' water rights continue to be ignored in Denendeh, placing ecological integrity at great peril.

### *THE KEEPERS OF THE WATER DECLARATION*

September 7, 2006

We the peoples gathered in Liidlii Kue, Denendeh, from September 5-8<sup>th</sup>, 2006, having come together as Keepers of the Water, connected as peoples residing in the vast basin including Lake Athabasca, Nsededha (Slave river), Tucho/Tu'neda (Great Slave Lake), and Dehcho.

RECALLING THAT the Creator sent Zhambáhdézha as a messenger to the Indigenous peoples who live on Mother Earth, bringing us sacred laws to live by. We have been taught that the land is our Mother, and the waters are her blood that sustain life for all peoples, lands and creation. We are born from our Mother Earth and we are inseparable from her.

AFFIRMING THAT water is essential to life, and the right to life constitutes a fundamental human right, recognized by all countries of the world.

FURTHER AFFIRMING that as Indigenous peoples, since time immemorial, have fundamental rights to live on our own lands and to survive as peoples. As a sacred trust we have been given responsibility from the Creator to ensure the integrity of all waters in our lands in all its many forms – from the aquifers deep underground, to the rich marshlands, rivers and lakes that connect and sustain our communities, to the glaciers on

the high mountains, to the rains and snow that restore and replenish our Mother Earth in an unending cycle of renewal.

RESPECTING that our sacred laws have not been honoured and that our Mother Earth is being abused out of ignorance and greed.

CONVINCED that our fundamental human rights with respect to water must be acknowledged and respected by all others.

CONVINCED that climate change, together with the unprecedented impacts of oil and gas extraction, oil sands developments, land conversion, deforestation, hydroelectric development, mining activities, industrial discharges, atmospheric pollution and water withdrawals on our waters, are diminishing the quantity and quality of water in our basin, other present and any future activities that change our land.

BEARING WITNESS THAT we are seeing the impacts of these changes before our eyes. When we travel our lands and waterways we see receding shorelines and depleted populations of fish and wildlife. Exotic species of plants and animals are encroaching, while indigenous species are disappearing as conditions change too quickly for them to adapt. The land and wildlife are being poisoned by pollution and contaminants. The very rhythms of the seasons are no longer familiar to us.

RECOGNIZING that causes of these changes are many and complex, but they are all caused by human action, government and industry, and we as the peoples of the Basin all share a common fate.

ASSERTING our rights to defend and protect the body and blood of our Mother Earth according to our sacred laws. Demanding that immediate steps must be taken to ensure that the spirit of the water, which sustains all life within the Basin, be protected today for our ancestors and future generations.

*WE PROCLAIM THE FOLLOWING PRINCIPLES:*

Water is a sacred gift, an essential element that sustains and connects all life. It is not a commodity to be bought or sold. All people share an obligation to cooperate to ensure that water in all of its forms is protected and conserved with regard to the needs of all living things today and for future generations tomorrow.

All peoples in the Basin have a fundamental human right to water that must be recognized nationally and internationally, and incorporated into domestic law and policy. Progress towards the realization of the right to water must be monitored, and appropriate institutional mechanisms developed to ensure that these rights are implemented.

These rights require water undiminished in quality, quantity or natural rate of flow, to access waterbodies for purposes of harvesting, travel and navigation, and to prevent or

seek redress for any action that may affect these rights. These rights extend to water as part of a healthy environment, and recognize spiritual and cultural values, taking into consideration the needs of the most disadvantaged and of future generations.

The use of water for industrial and commercial purposes is fundamentally limited by the requirement to not substantially alter the quantity, quality or natural rate of flow of the water within the Basin. The full costs of such water use decisions must be internalized and assumed according to the principle that polluters must be held accountable. This principle includes environmental bonds that would be great enough to ensure full remediation and reclamation from potential damages.

All governments and industry—have common responsibilities to protect and conserve water, and must sustain commitments to implement these responsibilities.

The precautionary approach must be widely applied in all decisions or actions that may affect the quality, quantity or natural rate of flow of water within the Basin.

Comprehensive watershed management and land use planning to safeguard water sources and maintain ecosystem integrity across the Basin must be implemented in advance of industrial allocations or development decisions.

The health and integrity of the Basin as a whole will only be achieved through integration and cooperation at all levels. Measures to protect and conserve water must be enacted and implemented by all levels of government.

Local communities have obligations to act decisively to protect the health and integrity of their water sources. All governments share responsibilities to take proactive steps to fund and sustain local capacity, training and infrastructure to improve and maintain the health and integrity of water and waterbodies throughout the Basin.

Indigenous and local communities play a vital role in water management because of their knowledge, traditional practices and relationships to the land. Formal mechanisms to improve scientific and traditional knowledge and understanding and to advance the effectiveness of measures to monitor, protect and conserve water must be undertaken by governments, industry, academic institutions and non-governmental organizations.

Information about the state of water within the Basin must be collected and be disseminated to communities in a timely and accessible way. This will be sustained by a network of Indigenous and local communities who will gather to share experiences, knowledge about how to sustainably develop, protect and conserve their watersheds.

## *Kari-Oca Declaration*

### *Preamble*

The World Conference of Indigenous Peoples on Territory, Environment and Development (25-30 May 1992).

The Indigenous Peoples of the Americas, Asia, Africa, Australia, Europe, and the Pacific, united in one voice at Kari-Oca Villages, express our collective gratitude to the indigenous peoples of Brazil. Inspired by this historical meeting, we celebrate the spiritual unity of the indigenous peoples with the land and ourselves. We continue building and formulating our united commitment to save our Mother the Earth. We, the indigenous peoples, endorse the following declaration as our collective responsibility to carry our indigenous minds and voices into the future.

*Declaration*

We, the Indigenous Peoples, walk to the future in the footprints of our ancestors.

From the smallest to the largest living being, from the four directions, from the air, the land, and the mountains, the Creator has placed us, the Indigenous Peoples, upon our Mother the Earth.

The footprints of our ancestors are permanently etched upon the land of our peoples.

We, the Indigenous Peoples, maintain our inherent rights to self-determination.

We have always had the right to decide our own forms of government, to use our own laws to raise and educate our children, to our own cultural identity without interference.

We continue to maintain our rights as peoples despite centuries of deprivation, assimilation, and genocide.

We maintain our inalienable rights to our lands and territories, to all our resources — above and below — and to our waters. We assert our ongoing responsibility to pass these on to the future generations.

We cannot be removed from our lands. We, the Indigenous Peoples, are connected by the circle of life to our land and environments.

We, the Indigenous Peoples, walk to the future in the footprints of our ancestors.

*Signed at Kari-Oca, Brazil, on the 30th day of May, 1992*

*Indigenous Peoples Earth Charter*<sup>19</sup>

*Human rights and international law*



1. We demand the right to life.
2. International law must deal with the collective human rights of indigenous peoples.
3. There are many international instruments which deal with the rights of individuals, but there are no declarations to recognize collective human rights. Therefore, we urge governments to support the United Nations Working Group on Indigenous Peoples' (UNWGIP) Universal Declaration of Indigenous Rights, which is presently in draft form.
4. There exist many examples of genocide against indigenous peoples. Therefore, the convention against genocide must be changed to include the genocide of indigenous peoples.
5. The United Nations should be able to send indigenous peoples' representatives, in a peace-keeping capacity, into indigenous territories where conflicts arise. This would be done at the request and consent of the indigenous peoples concerned.
6. The concept of Terra Nullius must be eliminated from international law usage. Many state governments have used internal domestic laws to deny us ownership of our own lands. These illegal acts should be condemned by the world.
7. Where small numbers of indigenous peoples are residing within state boundaries, so-called democratic countries have denied indigenous peoples the right of consent about their future, using the notion of majority rules to decide the future of indigenous peoples. Indigenous peoples' right of consent to projects in their areas must be recognized.
8. We must promote the term 'indigenous peoples' at all fora. The use of the term 'indigenous peoples' must be without qualifications.
9. We urge governments to ratify International Labour Organisation (ILO) Convention 169 to guarantee an international legal instrument for indigenous peoples (Group 2 only).

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<sup>19</sup> Please note, for the purposes of the Declaration, and this statement, any use of the term 'indigenous peoples' also includes tribal peoples.

10. Indigenous peoples' distinct and separate rights within their own territories must be recognised.
11. We assert our rights to free passage through state-imposed political boundaries dividing our traditional territories. Adequate mechanisms must be established to secure this right.
12. The colonial systems have tried to dominate and assimilate our peoples. However, our peoples remain distinct despite these pressures.
13. Our indigenous governments and legal systems must be recognized by the United Nations, state governments, and international legal instruments.
14. Our right to self-determination must be recognized.
15. We must be free from population transfer.
16. We maintain our right to our traditional way of life.
17. We maintain our right to our spiritual way of life.
18. We maintain the right to be free from pressures from multinational (transnational) corporations upon lives and lands. All multinational (transnational) corporations

which are encroaching upon indigenous lands should be reported to the United Nations Transnational Office.

19. We must be free from racism.
20. We maintain the right to decide the direction of our communities.
21. The United Nations should have a special procedure to deal with issues arising from violations of indigenous treaties.
22. Treaties signed between indigenous peoples and nonindigenous peoples must be accepted as treaties under international law.
23. The United Nations must exercise the right to impose sanctions against governments that violate the rights of indigenous peoples.
24. We urge the United Nations to include the issue of indigenous peoples in the agenda of the World Conference of Human Rights to be held in 1993. The work done so far by the United Nations Inter-American Commission of Human Rights and the Inter-American Institute of Human Rights should be taken into consideration.
25. Indigenous peoples should have the right to their own knowledge, language, and culturally appropriate education, including bicultural and bilingual education. Through recognizing both formal and informal ways, the participation of family and community is guaranteed.
26. Our health rights must include the recognition and respect of traditional knowledge held by indigenous healers. This knowledge, including our traditional medicines and their preventive and spiritual healing power, must be recognized and protected against exploitation.
27. The World Court must extend its powers to include complaints by indigenous peoples.
28. There must be a monitoring system from this conference to oversee the return of delegates to their territories. The delegates should be free to attend and participate in international indigenous conferences.
29. Indigenous women's rights must be respected. Women must be included in all local, national, regional, and international organizations.
30. The above-mentioned historical rights of indigenous peoples must be guaranteed in national legislation.

#### *Land and territories*

31. Indigenous peoples were placed upon our Mother the Earth by the Creator. We belong to the land. We cannot be separated from our lands and territories.
32. Our territories are living totalities in permanent vital relation between human beings and nature. Their possession produces the development of our culture. Our territorial property should be inalienable, unceasable, and not denied title. Legal, economic, and technical back-up are needed to guarantee this.
33. Indigenous peoples' inalienable rights to land and resources confirm that we have always had ownership and stewardship over our traditional territories. We demand that these be respected.
34. We assert our rights to demarcate our traditional territories. The definition of territory includes space (air), land, and sea. We must promote a traditional analysis of traditional land rights in all our territories.

35. Where indigenous territories have been degraded, resources must be made available to restore them. The recuperation of those affected territories is the duty of the respective jurisdiction in all nation states, which cannot be delayed. Within this process of recuperation the compensation for the historical ecological debt must be taken into account. Nation states must revise in depth the agrarian, mining, and forestry policies.
36. Indigenous peoples reject the assertion of nonindigenous laws onto our lands; states cannot unilaterally extend their jurisdiction over our lands and territories. The concept of Terra Nullius should be forever erased from the law books of states.
37. We, as indigenous peoples, must never alienate our lands. We must always maintain control over the land for future generations.
38. If a nonindigenous government, individual, or corporation wants to use our lands, then there must be a formal agreement which sets out the terms and conditions. Indigenous peoples maintain the right to be compensated for the use of their lands and resources.
39. Traditional indigenous territorial boundaries, including the waters, must be respected.
40. There must be some control placed upon environmental groups who are lobbying to protect our territories and the species within those territories. In many instances, environmental groups are more concerned about animals than human beings. We call for indigenous peoples to determine guidelines prior to allowing environmental groups into their territories.
41. Parks must not be created at the expense of indigenous peoples. There is no way to separate indigenous peoples from their lands.
42. Indigenous peoples must not be removed from their lands in order to make it available to settlers or other forms of economic activity on their lands.
43. In many instances, the numbers of indigenous peoples have been decreasing because of encroachment by nonindigenous peoples.
44. Indigenous peoples should encourage their peoples to cultivate their own traditional forms of products rather than to use imported exotic crops which do not benefit local peoples.
45. Toxic wastes must not be deposited in our areas. Indigenous peoples must realize that chemicals, pesticides, and hazardous wastes do not benefit the peoples.
46. Traditional areas must be protected against present and future forms of environmental degradation.
47. There must be a cessation of all uses of nuclear material.
48. Mining of products for nuclear production must cease.
49. Indigenous lands must not be used for the testing or dumping of nuclear products.
50. Population transfer policies by state governments in our territories are causing hardship. Traditional lands are lost and traditional livelihoods are being destroyed.
51. Our lands are being used by state governments to obtain funds from the World Bank, the International Monetary Fund, the Asian Pacific Development Bank, and other institutions, which has led to a loss of our lands and territories.
52. In many countries, our lands are being used for military purposes. This is an unacceptable use of the lands.
53. The colonizer governments have changed the names of our traditional and sacred areas. Our children learn these foreign names and start to lose their identity. In addition, the

changing of the name of a place diminishes respect for the spirits which reside in those areas.

54. Our forests are not being used for their intended purposes. The forests are being used to make money.
55. Traditional activities, such as making pottery, are being destroyed by the importation of industrial goods. This impoverishes the local peoples.

#### *Biodiversity and conservation*

56. The Vital Circles are in a continuous interrelation in such a way that the change of one of its elements affects the whole.
57. Climatic changes affect indigenous peoples and all humanity. In addition, ecological systems and their rhythms are affected, which contributes to the deterioration of our quality of life and increases our dependency.
58. The forests are being destroyed in the name of development and economic gains without considering the destruction of ecological balance. These activities do not benefit human beings, animals, birds, and fish. The logging concessions and incentives to the timber, cattle, and mining industries affecting the ecosystems and the natural resources should be cancelled.
59. We value the efforts of protection of the Biodiversity but we reject being included as part of an inert diversity which pretends to be maintained for scientific and folkloric purposes.
60. The indigenous peoples' strategies should be kept in a reference framework for the formulation and application of national policies on environment and biodiversity.

#### *Development strategies*

61. Indigenous peoples must consent to all projects in our territories. Prior to consent being obtained the peoples must be fully and entirely involved in any decisions. They must be given all the information about the project and its effects. Failure to do so should be considered a crime against the indigenous peoples. The person or persons who violate this should be tried in a world tribunal within the control of indigenous peoples set for such a purpose. This could be similar to the trials held after World War II.
62. We have the right to our own development strategies based on our cultural practices and with a transparent, efficient, and viable management and with economical and ecological viability.
63. Our development and life strategies are obstructed by the interests of the government and big companies and by the neoliberal policies. Our strategies have, as a fundamental condition, the existence of international relationships based on justice, equity, and solidarity between the human beings and the nations.
64. Any development strategy should prioritize the elimination of poverty, the climatic guarantee, the sustainable manageability of natural resources, the continuity of democratic societies, and the respect of cultural differences.
65. The Global Environmental Facility should assign at best 20 percent for indigenous peoples' strategies and programs of environmental emergency, improvement of life

quality, protection of natural resources, and rehabilitation of ecosystems. This proposal in the case of South America and the Caribbean should be concrete in the indigenous development fund as a pilot experience in order to be extended to the indigenous peoples of other regions and continents.

66. The concept of development has meant the destruction of our lands. We reject the current definition of development as being useful to our peoples. Our cultures are not static and we keep our identity through a permanent recreation of our life conditions; but all of this is obstructed in the name of so-called developments.
67. Recognizing indigenous peoples' harmonious relationship with Nature, indigenous sustainable development strategies and cultural values must be respected as distinct and vital sources of knowledge.
68. Indigenous peoples have been here since the time before time began. We have come directly from the Creator. We have lived and kept the Earth as it was on the First Day. Peoples who do not belong to the land must go out from the lands because those things (so called 'development' on the land) are against the laws of the Creator.
  1. In order for indigenous peoples to assume control, management and administration of their resources and territories, development projects must be based on the principles of self-determination and self-management.
  2. Indigenous peoples must be self-reliant.
69. If we are going to grow crops, we must feed the peoples. It is not appropriate that the lands be used to grow crops which do not benefit the local peoples.
  1. Regarding indigenous policies, state government must cease attempts of assimilation and integration.
  2. Indigenous peoples must consent to all projects in their territories. Prior to consent being obtained, the peoples must be fully and entirely involved in any decisions. They must be given all the information about the project and its effects. Failure to do so should be considered a crime against indigenous peoples. The person or persons responsible should be tried before a world tribunal, with a balance of indigenous peoples set up for such a purpose. This could be similar to the trials held after the World War II.
70. We must never use the term 'land claims.' It is the nonindigenous peoples which do not have any land. All the land is our land. It is nonindigenous peoples who are making claims to our lands. We are not making claims to our lands.
71. There should be a monitoring body within the United Nations to monitor all the land disputes around the world prior to development.
72. There should be a United Nations conference on the topic of 'Indigenous Lands and Development.'
73. Nonindigenous peoples have come to our lands for the purpose of exploiting these lands and resources to benefit themselves, and to the impoverishment of our peoples. Indigenous peoples are victims of development. In many cases, indigenous peoples are exterminated in the name of a development program. There are numerous examples of such occurrences.

74. Development that occurs on indigenous lands, without the consent of indigenous peoples, must be stopped.
75. Development which is occurring on indigenous lands is usually decided without local consultation by those who are unfamiliar with local conditions and needs.
76. The Eurocentric notion of ownership is destroying our peoples. We must return to our own view of the world, of the land, and of development. The issue cannot be separated from indigenous peoples' rights.
77. There are many different types of so-called development: road construction, communication facilities such as electricity, telephones. These allow developers easier access to the areas, but the effects of such industrialization destroy the lands.
78. There is a world-wide move to remove indigenous peoples from their lands and place them in villages. The relocation from the traditional territories is done to facilitate development.
79. It is not appropriate for governments or agencies to move into our territories and to tell our peoples what is needed.
80. In many instances, the state governments have created artificial entities such as 'district council' in the name of the state government in order to deceive the international community. These artificial entities then are consulted about development in the area. The state government, then, claims that indigenous peoples were consulted about the project. These lies must be exposed to the international community.
81. There must be an effective network to disseminate material and information between indigenous peoples. This is necessary in order to keep informed about the problems of other indigenous peoples.
82. Indigenous peoples should form and direct their own environmental network.

*Culture, science, and intellectual property*

83. We feel the Earth as if we are within our mother. When the Earth is sick and polluted, human health is impossible. To heal ourselves, we must heal the Planet, and to heal the Planet, we must heal ourselves.
84. We must begin to heal from the grassroots level and work towards the international level.
85. The destruction of the culture has always been considered an internal, domestic problem within national states. The United Nation must set up a tribunal to review the cultural destruction of the indigenous peoples.
86. We need to have foreign observers come into our indigenous territories to oversee national state elections to prevent corruption.
87. The human remains and artifacts of indigenous peoples must be returned to their original peoples.
88. Our sacred and ceremonial sites should be protected and considered as the patrimony of indigenous peoples and humanity. The establishment of a set of legal and operational instruments at both national and international levels would guarantee this.
89. The use of existing indigenous languages is our right. These languages must be protected.
90. States that have outlawed indigenous languages and their alphabets should be censored by United Nations.

91. We must not allow tourism to be used to diminish our culture. Tourists come into the communities and view the people as if indigenous peoples were part of a zoo. Indigenous peoples have the right to allow or to disallow tourism within their areas.
92. Indigenous peoples must have the necessary resources and control over their own education systems.
93. Elders must be recognized and respected as teachers of the young people.
94. Indigenous wisdom must be recognized and encouraged.
95. The traditional knowledge of herbs and plants must be protected and passed onto future generations.
96. Traditions cannot be separated from land, territory, or science.
97. Traditional knowledge has enabled indigenous peoples to survive.
98. The usurping of traditional medicines and knowledge from indigenous peoples should be considered a crime against peoples.
99. Material culture is being used by the non-indigenous to gain access to our lands and resources, thus destroying our cultures.
100. Most of the media at this conference were only interested in the pictures which will be sold for profit. This is another case of exploitation of indigenous peoples. This does not advance the cause of indigenous peoples.
101. As creators and carriers of civilizations which have given and continue to share knowledge, experience, and values with humanity, we require that our right to intellectual and cultural properties be guaranteed and that the mechanism for each implementation be in favour of our peoples and studied in depth and implemented. This respect must include the right over genetic resources, genebanks, biotechnology, and knowledge of biodiversity programs.
102. We should list the suspect museums and institutions that have misused our cultural and intellectual properties.
103. The protection, norms, and mechanisms of artistic and artisan creation of our peoples must be established and implemented in order to avoid plunder, plagiarism, undue exposure, and use.
104. When indigenous peoples leave their communities, they should make every effort to return to the community.
105. In many instances, our songs, dances, and ceremonies have been viewed as the only aspects of our lives. In some instances, we have been asked to change a ceremony or a song to suit the occasion. This is racism.
106. At local, national, and international levels, governments must commit funds to new and existing resources to education and training for indigenous peoples, to achieve their sustainable development, to contribute and to participate in sustainable and equitable development at all levels. Particular attention should be given to indigenous women, children, and youth.
107. All kinds of folkloric discrimination must be stopped and forbidden.
108. The United Nations should promote research into indigenous knowledge and develop a network of indigenous sciences.