



POST 2015 DEVELOPMENT PROCESS: WATER

Indigenous peoples constitute 5 % of the world's population but 15 % of the world's poor. They make up around 1/3 of the world's extremely poor rural population. Many lack access to, control over and suffer pollution of their water resources, severely damaging their health, livelihood and cultural survival. The Sustainable Development Goals (SDGs) offer a unique opportunity to address these concerns and to take indigenous peoples' right to water into consideration. This note, produced by the International Work Group for Indigenous Affairs (IWGIA) in collaboration with Tebtebba and with contributions and advice from indigenous peoples' experts,¹ aims to inform stakeholders about the issue of water from an indigenous perspective in the post 2015-development discussion.



A holistic view of water

Indigenous peoples have a strong and special relationship with water. Like all human beings, most indigenous peoples need and use water in order to live and subsist, but water is also an essential element of their worldview and spirituality. Water is used in ceremonies and in prayer and serves as a symbol of the interconnectedness of all life. Lakes, streams, springs and coastal waters are considered as having spiritual and living attributes, and regarded as sacred.² When a river is "managed" by diverting water into, for example, a canal or a dam, there is a wider set of considerations beyond the physicality of the water itself or the le-

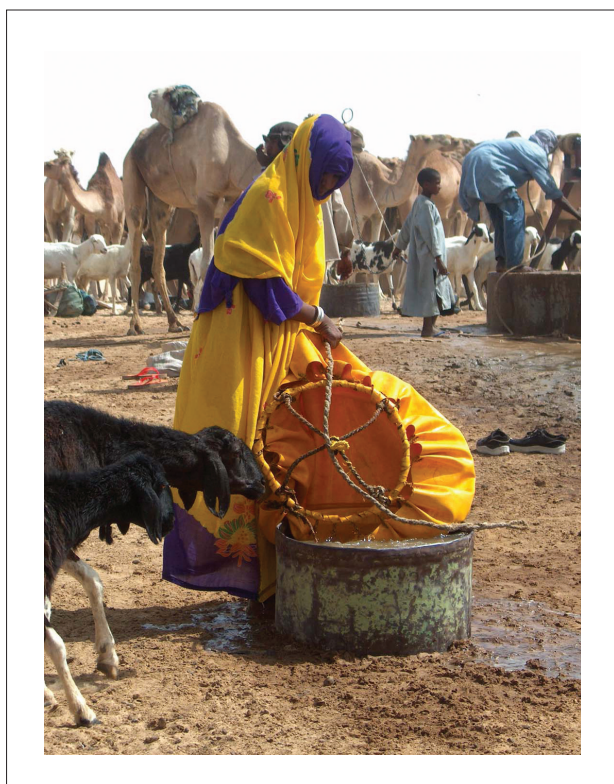
gal water rights as determined by manmade laws. There are also spiritual laws and ritual customs to consider.

Indigenous peoples consider it a collective responsibility to ensure and protect the availability and purity of water for present and future generations. As a consequence, they have developed complex systems of water harvesting, conservation and management, as well as intricate systems for distribution and dispute resolution.³ These systems are based on traditional ecological knowledge and principles and practices that balance immediate and future human needs with the needs of plants, animals and spirits.

Indigenous peoples' traditional knowledge and practices are recognized as valuable contributions to sustainable water conservation and management systems. Yet the fundamental difference between indigenous peoples' concept of water and that of many non-native dominant societies, which see water as a resource that can be privatized and/or developed for human benefit, continue to be the basis for innumerable social conflicts between indigenous peoples and mainstream society.

Violations of indigenous peoples' rights to water

Indigenous peoples' rights to water include the right to clean drinking water and sanitation but are also closely interlinked with their right to self-determination, participation and with their right to land, territories and resources. According to the United Nations High Commissioner for Human Rights fact sheet on water, access to safe drinking water for indigenous peoples is also closely linked to their control over their ancestral lands, territories and resources. Lack of legal recognition or protection of these ancestral lands, territories and resources can, therefore have far-reaching implications for their enjoyment of the right



to water.⁴

These rights, as defined by a wide range of international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),⁵ which sets out the minimum international standards for the protection and promotion of the rights of indigenous peoples, are all too often violated.⁶ The poor implementation of indigenous peoples' right to water and sanitation is often exacerbated by deep-rooted patterns of discrimination and inequality in indigenous peoples' access to public service delivery and closely connected to violations of their rights to land, territories and natural resources, self-determination and participation.⁷

Studies of water development projects in indigenous peoples' communities show that one major obstacle to providing sustainable, safe and acceptable water and sanitation services to indigenous communities may be the lack of acknowledgment and involvement of traditional leaders and institutions.⁸ To overcome institutional isolation and language barriers and establish long-term and respectful partnerships, governments and development actors must change procedures and practices and embrace an intercultural approach to water management.⁹

Major concerns for indigenous peoples

At the Rio+20 UN Conference on Sustainable Development in 2012, indigenous peoples presented four major concerns with regard to water resources:¹⁰

Lack of access to water. Indigenous peoples have benefited little from the Seventh Millennium Development Goal targeting drinking water and sanitation. While this target has been almost met in

urban areas, more than one billion people around the globe still lack access to safe drinking water. Indigenous peoples are over-represented in this figure. Most indigenous communities, whether rural or urban, lack the necessary infrastructure to access water on a par with the population at large. This lack of access has been identified as one of the root causes of illness among indigenous peoples.¹¹

Rural indigenous peoples furthermore lack access to water for subsistence and ritual purposes. Land grabbing, logging, conservation initiatives, mega dams, mining, irrigation schemes, etc., have significantly decreased the availability and quality of water resources, and indigenous communities also see their access to water threatened by water-intensive industries, for example agricultural plantations which systematically and unsustainably tap water from their local aquifers and streams. Today, many hunter-gatherers, pastoralists and peasant farmers around the world no longer have access to their traditional water sources. This has a harmful impact on their health, their economy and social well-being and compromises their culture and spirituality.

Contamination of water. Contamination of water affects innumerable indigenous communities. In urban areas, contamination is due to inadequate or non-existent sewage systems and polluting industries; in rural areas, contamination originates from the wastewater and tailings produced by mining and oil exploitation and from chemicals used by agro-industries. The pollution of watersheds and water-related ecosystems has had damaging effects on the quality of water for drinking and represents a serious health threat to numerous indigenous communities. It also affects indigenous farming and cattle herding, as well as traditional fishing in rivers and coastal waters. With increasing contamination, water resources have become unsafe for human consumption,



posing a serious threat to the food sovereignty and food security of coastal and riverine indigenous communities in particular.

Privatization of water. In direct contrast to the indigenous concept of water as shared and sacred, many countries now treat water as a commodity and a property interest that can be traded on global and domestic markets. The privatization of water resources in many countries, especially in Latin America and Africa, is a trend that threatens to deprive many indigenous communities of their traditional access to land and water and has frequently led to violations of indigenous peoples' basic human right to water, having already caused several social protests or "water wars".

Climate change. Indigenous peoples are increasingly confronted with periods of severe drought and/or severe inundations caused by climate change. In both cases, their access to water is critically affected. The competition for scarce water resources is already a key motive behind conflicts between indigenous communities and local farmers. As indigenous peoples already live in some of the world's most fragile ecosystems and under the stress of extreme poverty, the impacts of climate change have, for many, elevated water management to a life and death issue.

Key priorities and indicators for Sustainable Development Goals on water

These four major concerns reflect the fact that the Millennium Development Goals neglected several vital water-related issues, and these need to be addressed in the Sustainable Development Goals (SDGs) if we are to secure universal access to water "for all, forever".¹² The conclusion from the UN global thematic consultation on water¹³ states that, alongside WASH

(Water, Sanitation and Hygiene), the SDGs must include water resource management, wastewater and water quality management from an indigenous perspective. A more holistic and human rights-based approach to water is also needed.¹⁴ Such an approach must take into consideration the fact that indigenous peoples' right to water is not limited to access to safe drinking water and sanitation but is also closely linked to and intertwined with a range of other rights including to self-determination, to their traditional land, territories and resources, and participation in decision-making processes, as well as their right to maintain and strengthen their distinctive spiritual relationship with their waters and coastal seas.¹⁵

Implementation of the SDGs requires that countries have the necessary data collection and statistical capacities to support robust indicators of success. Monitoring the situation of indigenous peoples through the use of relevant indicators and disaggregated data is essential if we are to make progress in addressing the human rights and well-being of indigenous peoples in the post-2015 development framework.

It is important to note that indigenous peoples have developed their own holistic monitoring systems to evaluate sustainable self-determined development, based on their traditional knowledge. Data generated in this way can significantly contribute to action plans, strategies, monitoring and evaluation processes at local, sub-national, national and global levels.¹⁶ Indigenous monitoring systems should be acknowledged for their contribution to our understanding of sustainability and indigenous communities should be empowered to act on the basis of the information they have gathered, monitored and analysed.

On this basis, key priorities are:

- That international and regional bodies as well as govern-



ments and authorities acknowledge and protect the rights of indigenous peoples to self-determination. By virtue of that right, indigenous peoples have the right to freely exercise full authority and control over their natural resources, including water. Self-determination includes practising their cultural and spiritual relationships with water, and exercising the authority to govern, use, manage, regulate, recover, conserve, enhance and renew their water sources without interference.

- That states and regional bodies adopt, in close collaboration with indigenous peoples, a comprehensive and long-term strategy for sustainable and equitable resource use in their respective regions.
- That water-related policies, programmes and activities that affect indigenous peoples are based on a human rights approach and an understanding of the cultural and spiritual values indigenous peoples attach to water and water bodies.
- That indigenous peoples are fully involved in the planning and development of these policies as well as in leadership and decision-making in water-related programmes and activities.
- That the principle of Free, Prior and Informed Consent (FPIC) is recognized, respected and implemented in all situations where water policy decisions affect indigenous peoples.
- That adequate disaggregated data concerning indigenous peoples are produced and made available.¹⁷

- The cultural, economic and commercial rights of indigenous peoples to use their traditional water bodies for hunting and fishing are recognized and protected
- Industrial practices are monitored in order to end and prevent uncontrolled, unmanaged and unsustainable practices

- Indigenous peoples are consulted and able to participate in identifying strategies aimed at mitigating the impact of climate change on water availability
 - Indigenous peoples' traditional knowledge on combating drought and desertification is acknowledged and incorporated into strategies and practices
- Ensure equal and just access for indigenous peoples to infrastructure and culturally-appropriate basic services, including access to water that is clean, sufficient and reasonably priced for personal, domestic and community use
 - Indigenous peoples have the necessary resources to determine and effectively control their access to water
 - Funds are made available to indigenous communities for water supply and sewage infrastructure

Potential indicators for the SDGs are:

On the basis of the above, we have identified the following as potential indicators:

- Indigenous cultural and spiritual understandings of water are understood and respected by mainstream society
 - States treat water as a social and cultural good, and in ways that ensure its sustainability for present and future generations
 - Indigenous communities participate meaningfully in water policy and planning processes that affect them
 - Indigenous customary access and rights to water resources on their ancestral lands are recognized and these water resources are legally protected from encroachment and pollution
- Indigenous peoples are included, at all levels, in decision-making processes regarding all aspects of water management, including commercial use, irrigation and environmental management, that affect their communities
 - Free, Prior and Informed Consent is implemented
 - Indigenous peoples' traditional knowledge on water management is acknowledged and incorporated into conventional water management

Notes and references

- ¹ IWGIA and Tebtebba take full responsibility for the content of this briefing note but particularly acknowledge contributions from Moa Cortobius and Alejandro Jiménez at the UNDP Water Governance Facility at SIWI.
- ² 3rd World Water Forum 2003, Kyoto, Japan. *Indigenous Peoples' Kyoto Water Declaration*. At: <http://www.gflp.org/Environment/Indigenous%20Peoples%20Kyoto%20Water%20Declaration.html>
- ³ **Chadwick, M.T., Soussan, J.G., Alam, S.S. and Mallick, D.L. 1998.** *Understanding indigenous knowledge: Its role and potential in water resource management in Bangladesh*. Leeds: School of Environment, University of Leeds. At: <http://r4d.dfid.gov.uk/pdf/outputs/natressys/r6755rep.pdf>
- ⁴ **OHCHR. 2010.** The Right to Water. Fact Sheet 35. At: <http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>
- ⁵ United Nations Declaration on the Rights of Indigenous Peoples. 2007. (UNDRIP) at: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf
- ⁶ **OHCHR. 2010.** The Right to Water. Fact Sheet 35. At: <http://www.ohchr.org/Documents/Publications/FactSheet35en.pdf>
- ⁷ **Ellen Lutz. 2005.** *Summary of Indigenous Peoples and Water Rights*. CSQ Issue 29.4. Winter 2005. Cultural Survival at: <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/none/indigenous-peoples-and-water-rights>
- ⁸ **M. Tinoco, M. Cortobius, M. Doughty Grajales, M. Kjellén. 2014.** Water Co-operation between Cultures: Partnerships with Indigenous Peoples for Sustainable Water and Sanitation Services. in *Aquatic Procedia*, Volume 2, 2014, Pages 55-62.
- ⁹ Ibid.
- ¹⁰ **Myrna Cunningham. 2012.** *Water and the Situation of Indigenous Peoples 20 Years After Rio*. In *Sustaining and Enhancing Indigenous Peoples' Self-determined Development – 20 years after Rio*. Baguio City, Philippines: Tebtebba Foundation.
- ¹¹ **Albuquerque, Catarina de. 2011.** *Statement to the Permanent Forum on Indigenous Issues by the Special Rapporteur on the human right to safe drinking water and sanitation*. At: http://www.un.org/esa/socdev/unpfii/documents/session_10_statement_SR_water.pdf
- ¹² The World We Want Thematic consultation Report.2013. Post 2015 Water Thematic Consultation Report. At: http://www.unwater.org/downloads/Final9Aug2013_WATER_THEMATIC_CONSULTATION_REPORT.pdf
- ¹³ Final Report on the Global Thematic Consultation on Water at: <http://post2015.org/2013/04/23/final-report-from-the-global-thematic-consultation-on-water/>
- ¹⁴ Indigenous World Forum On Water And Peace at the 6th World Water Forum. Marseille, France 12th -16th March, 2012. *Statement From Indigenous World Forum On Water*

And Peace at: http://indigenouspeoplesissues.com/index.php?option=com_content&view=article&id=14298:international-statement-from-indigenous-world-forum-on-water-and-peace-at-the-6th-world-water-forum&catid=34&Itemid=73

¹⁵ UNDRIP (op.cit)– especially articles 3, 4, 18, 25, and 26

¹⁶ Major Groups common position paper. March 2014. At: http://www.stakeholderforum.org/fileadmin/files/SD2015%20Position_Paper_IndigenousPeoples.pdf

¹⁷ UNPFII at: <http://undesadspd.org/IndigenousPeoples/Cross-ThematicIssues/DataandIndicators.aspx>

Further reading

- The Northeast Dialogue Forum, a conclave of human rights / indigenous peoples' organizations from the Northeast of India concerning water sharing and dam construction in India, China and Bangladesh. 2013. Statement, named: Dimapur declaration on water and indigenous communities' rights. At: <http://www.humanrights.asia/news/forwarded-news/AHRC-FST-023-2013>
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- **Jiménez, Alejandro, Moa Cortobius & Marianne Kjellén. 2014.** *Water, sanitation and hygiene and indigenous peoples: a review of the literature*. Stockholm International Water Institute, Sweden. Published online: 14 Apr 2014. At: http://www.tandfonline.com/doi/abs/10.1080/02508060.2014.903453?journalCode=rwin20#.U-DSXvI_uVM