

INDIGENOUS PEOPLES' KYOTO WATER DECLARATION

**Third World Water Forum, Kyoto, Japan
March 2003**

Relationship to Water

1. We, the Indigenous Peoples from all parts of the world assembled here, reaffirm our relationship to Mother Earth and responsibility to future generations to raise our voices in solidarity to speak for the protection of water. We were placed in a sacred manner on this earth, each in our own sacred and traditional lands and territories to care for all of creation and to care for water.¹
2. We recognize, honor and respect water as sacred and sustains all life. Our traditional knowledge, laws and ways of life teach us to be responsible in caring for this sacred gift that connects all life.
3. Our relationship with our lands, territories and water is the fundamental physical cultural and spiritual basis for our existence. This relationship to our Mother Earth requires us to conserve our freshwaters and oceans for the survival of present and future generations. We assert our role as caretakers with rights and responsibilities to defend and ensure the protection, availability and purity of water. We stand united to follow and implement our knowledge and traditional laws and exercise our right of self-determination to preserve water, and to preserve life.

Conditions of Our Waters

4. The ecosystems of the world have been compounding in change and in crisis. In our generation we see that our waters are being polluted with chemicals, pesticides, sewage, disease, radioactive contamination and ocean dumping from mining to shipping wastes. We see our waters being depleted or converted into destructive uses through the diversion and damming of water systems, mining and mineral extraction, mining of groundwater and aquifer for industrial and commercial purposes, and unsustainable economic, resource and recreational development, as well as the transformation of excessive amounts of water into energy. In the tropical southern and northern forest regions, deforestation has resulted in soil erosion and thermal contamination of our water.
5. The burning of oil, gas, and coal, known collectively as fossil fuels is the primary source of human-induced climate change. Climate change, if not halted, will result in increased frequency and severity of storms, floods, drought and water shortage. Globally, climate change is worsening desertification. It is polluting and drying up the subterranean and water sources, and is causing the extinction of precious flora and fauna. Many countries in Africa have been suffering from unprecedented droughts.

¹ When the terms territory, land and water are used, it is inclusive of all life such as forests, grasslands, sea life, habitat, fish and other biodiversity.

The most vulnerable communities to climate change are Indigenous Peoples and impoverished local communities occupying marginal rural and urban environments. Small island communities are threatened with becoming submerged by rising oceans.

6. We see our waters increasingly governed by imposed economic, foreign and colonial domination, as well as trade agreements and commercial practices that disconnect us as peoples from the ecosystem. Water is being treated as a commodity and as a property interest that can be bought, sold and traded in global and domestic market-based systems. These imposed and inhumane practices do not respect that all life is sacred, that water is sacred.
7. When water is disrespected, misused and poorly managed, we see the life threatening impacts on all of creation. We know that our right of self-determination and sovereignty, our traditional knowledge, and practices to protect the water are being disregarded violated and disrespected.
8. Throughout Indigenous territories worldwide, we witness the increasing pollution and scarcity of fresh waters and the lack of access that we and other life forms such as the land, forests, animals, birds, plants, marine life, and air have to our waters, including oceans. In these times of scarcity, we see governments creating commercial interests in water that lead to inequities in distribution and prevent our access to the life giving nature of water.

Right to Water and Self Determination

9. We Indigenous Peoples have the right to self-determination. By virtue of that right we have the right to freely exercise full authority and control of our natural resources including water. We also refer to our right of permanent sovereignty over our natural resources, including water
10. Self-determination for Indigenous Peoples includes the right to control our institutions, territories, resources, social orders, and cultures without external domination or interference..
11. Self-determination includes the practice of our cultural and spiritual relationships with water, and the exercise of authority to govern, use, manage, regulate, recover, conserve, enhance and renew our water sources, without interference.
12. International law recognizes the rights of Indigenous Peoples to:
 - Self-determination
 - Ownership, control and management of our traditional territories, lands and natural resources
 - Exercise our customary law
 - Represent ourselves through our own institutions
 - Require free prior and informed consent to developments on our land
 - Control and share in the benefits of the use of, our traditional knowledge.
13. Member States of the United Nations and international trade organizations, international and regional financial institutions and international agencies of economic cooperation are legally and morally obligated to respect and observe these

and other related collective human rights and fundamental freedoms. Despite international and universal recognition of our role as caretakers of Mother Earth, our rights to recover, administer, protect and develop our territories, natural resources and water systems are systematically denied and misrepresented by governmental and international and domestic commercial interests. Our rights to conserve, recreate and transmit the totality of our cultural heritage to future generations, our human right to exist as *Peoples* is increasingly and alarmingly restricted, unduly impaired or totally denied.

14. Indigenous Peoples interests on water and customary uses must be recognized by governments, ensuring that Indigenous rights are enshrined in national legislation and policy. Such rights cover both water quantity and quality and extend to water as part of a healthy environment and to its cultural and spiritual values. Indigenous interests and rights must be respected by international agreements on trade and investment, and all plans for new water uses and allocations.

Traditional Knowledge

15. Our traditional practices are dynamically regulated systems. They are based on natural and spiritual laws, ensuring sustainable use through traditional resource conservation. Long-tenured and place-based traditional knowledge of the environment is extremely valuable, and has been proven to be valid and effective. Our traditional knowledge developed over the millennia should not be compromised by an over-reliance on relatively recent and narrowly defined western reductionist scientific methods and standards. We support the implementation of strong measures to allow the full and equal participation of Indigenous Peoples to share our experiences, knowledge and concerns. The indiscriminate and narrow application of modern scientific tools and technologies has contributed to the loss and degradation of water.

Consultation

16. To recover and retain our connection to our waters, we have the right to make decisions about waters at all levels. Governments, corporations and intergovernmental organizations must, under international human rights standards require Indigenous Peoples free prior and informed consent and consultation by cultural appropriate means in all decision-making activities and all matters that may have affect. These consultations must be carried out with deep mutual respect, meaning there must be no fraud, manipulation, and duress nor guarantee that agreement will be reached on the specific project or measure. Consultations include:
 - To conduct the consultations under the communities own systems and mechanisms;
 - The means of Indigenous Peoples to fully participate in such consultations; and;
 - Indigenous Peoples exercise of both their local and traditional decision-making processes, including the direct participation of their spiritual and ceremonial authorities, individual members and community authorities as well as traditional practitioners of subsistence and cultural ways in the consultation process and the expression of consent for the particular project or measure.
 - Respect for the right to say no.

- Ethical guidelines for a transparent and specific outcome.

Plan of Action

17. We endorse and reiterate the “Kimberley Declaration and the Indigenous Peoples’ Plan of Implementation on Sustainable Development” which was agreed upon in Johannesburg during the World Summit on Sustainable Development in September 2002.
18. We resolve to sustain our ancestral and historical relationships with and assert our inherent and inalienable rights to our lands and waters.
19. We resolve to maintain, strengthen and support Indigenous Peoples’ movements, struggles and campaigns on water and enhance the role of Indigenous elders, women and youth to protect water.
20. We seek to establish a Working Group of Indigenous Peoples on Water, which will facilitate linkages between Indigenous Peoples and provide technical and legal assistance to Indigenous communities who need such support in their struggles for the right to land and water. We will encourage the creation of similar working groups at the local, national and regional levels.
21. We challenge the dominant paradigm, policies, and programs on water development, which includes among others; government ownership of water, construction of large water infrastructures; corporatization; the privatization and commodification of water; the use of water as a tradeable commodity; and the liberalization of trade in water services, which do not recognize the rights of Indigenous Peoples to water.
22. We strongly support the recommendations of the World Commission on Dams (WCD) on water and energy development. These include the WCD report’s core values, strategic priorities, the “rights and risks framework” and the use of multi-criteria assessment tools for strategic options assessment and project selection. Its rights-based development framework, including the recognition of the rights of Indigenous Peoples in water development is a major contribution to decision-making frameworks for sustainable development.
23. We call on the governments, multilateral organizations, academic institutions and think tanks to stop promoting and subsidizing the institutionalization and implementation of these anti-people and anti-nature policies and programs.
24. We demand a stop to mining, logging, energy and tourism projects that drain and pollute our waters and territories.
25. We demand that the World Bank, the International Monetary Fund (IMF), regional banks like the Asian Development Bank, African Development Bank, Inter-American Development Bank, stop the imposition of water privatization or ‘full cost recovery’ as a condition for new loans and renewal of loans of developing countries.
26. We ask the European Union to stop championing the liberalization of water services in the General Agreement on Services (GATS) of the World Trade Organization (WTO). This is not consistent with the European Commission’s policy on Indigenous

Peoples and development. We will not support any policy or proposal coming from the WTO or regional trade agreements like the NAFTA (North American Free Trade Agreement, Free Trade Area of the Americas (FTAA), on water privatization and liberalization and we commit ourselves to fight against such agreements and proposals.

27. We resolve to replicate and transfer our traditional knowledge and practices on the sustainable use of water to our children and the future generations.
28. We encourage the broader society to support and learn from our water management practices for the sake of the conservation of water all over the world.
29. We call on the States to comply with their human rights obligations and commitments to legally binding international instruments to which they are signatories to, including but not limited to, such as the Covenant on Civil and Political Rights, the Covenant on Economic, Cultural and Social Rights, International Convention on the Elimination of all Forms of Racial Discrimination; as well as their obligations to conventions on the environment, such as the Convention on Biological Diversity, Climate Convention, and Convention to Combat Desertification.
30. We insist that the human rights obligations of States must be complied with and respected by their international trade organizations. These legally binding human rights and environmental obligations do not stop at the door of the WTO and other regional and bilateral trade agreements.
31. We resolve to use all political, technical and legal mechanisms on the domestic and international level, so that the States, as well as transnational corporations and international financial institutions will be held accountable for their actions or inactions that threaten the integrity of water, our land and our peoples.
32. We call on the States to respect the spirit of Article 8j of the Convention on Biological Diversity as it relates to the conservation of traditional knowledge on conservation of ecosystems and we demand that the Trade Related Aspects of the Intellectual Property Rights (TRIPS) Agreement be taken out of the World Trade Organization (WTO) Agreements as this violates our right to our traditional knowledge.
33. We call upon the States to fulfill the mandates of the United Nations Framework Convention on Climate Change (UNFCCC) and to ratify the Kyoto Protocol. We call for the end of State financial subsidies to fossil fuel production and processing and for aggressive reduction of greenhouse gas emissions calling attention to the United Nations Intergovernmental Panel on Climate Change (IPCC) that reported an immediate 60% reduction of CO₂ is needed to stabilize global warming.
34. We will ensure that international and domestic systems of restoration and compensation be put in place to restore the integrity of water and ecosystems.