

Garma International Indigenous Water Declaration

Précis

Indigenous peoples internationally share cultural and customary responsibilities to fresh water. This International Indigenous Water Declaration is a testament to the undersigned Indigenous peoples' connections to water and expresses the significance of Indigenous knowledge and water interests to the security of freshwater when water laws and systems are merging into an industry that portrays water as a commodity.

Introduction

In August 2008, a small group of Indigenous peoples from across the world convened in northern Australia at the site of the Garma Festival in north east Arnhem Land to share their experiences on issues and opportunities arising from emerging trends in mainstream water management systems. This exchange arose out of relationships between the North Australian Indigenous Land and Sea Management Alliance's Indigenous Water Policy Group and the United Nations University – Institute of Advanced Studies Traditional Knowledge Institute. It was anticipated that access to international experience and perspectives would broaden the frame of reference for participants in such a way that would enhance their capacity to identify and advocate around Indigenous interests in water. The exchange was successful in serving this purpose for all participants from Australia and around the world.

Particular attention was given to issues arising from emerging water trading and water property rights regimes and the increasing recognition by western science of the value of traditional knowledge for natural resource management. The meeting facilitated discussions around how best to achieve appropriate protection of Indigenous interests in water and explored how Indigenous knowledge can be recognised as expert knowledge and used alongside western scientific knowledge in water management systems.

Another outcome of the International Indigenous Water Experts Exchange and of significance to the 5th World Water Forum, as well as other relevant international fora, was the development and adoption of a statement and set of recommendations on Indigenous water knowledge and interests.

Declaration Preamble

Context

RECOGNISING and REAFFIRMING that the Indigenous peoples of the World are and have been since time immemorial sovereign over their own lands and waters and that Indigenous peoples obtain their spiritual and cultural identity, life and livelihood from their lands and waters.

We assert that water has a right to be recognised as an ecological entity, a being with a spirit and must be treated accordingly. For the Indigenous peoples water is essential to creation; Ancestral beings are created by and dwell within water.

We do not believe that water should solely be treated as a resource or a commodity.

Nation-States, in asserting competing sovereignty over the lands and waters, have introduced and enforced unlawful and unjust mechanisms resulting in trespass of the legal entitlements of Indigenous Peoples to the ownership, use, management and benefit of the lands and the waters, without consultation, consent or just compensation where required by law.

Furthermore Nation-States have grossly mismanaged the lands and waters of Indigenous peoples, causing ecosystem collapse, human induced climate change, severe water quality degradation, extreme stress upon ecologies and species extinction at a scale and rate which is unprecedented; and

Gross mismanagement of the lands and waters and denial of access of Indigenous Peoples to their lands and waters has caused severe, widespread and on-going detrimental impacts to all aspects of the lives and livelihoods of Indigenous Peoples. This includes significant disadvantages to the health, economy and social well-being of many Indigenous Peoples. Cultural and linguistic diversity has also been compromised, leading to loss of culture and life-ways of Indigenous Peoples. A contributing factor is the concomitant degradation and expropriation by Nation-States of significant landscapes and sites of spiritual and cultural importance to Indigenous Peoples.

Indigenous Peoples have responsibilities and obligations in accordance with their Indigenous Laws, Traditions, Protocols and Customs to protect, conserve and maintain the environment and ecosystems in their natural state so as to ensure the sustainability of the whole environment.

Acknowledgements

We acknowledge our ancestors and Elders who have honoured and maintained the land and waters to the highest standards.

We acknowledge the work of past Indigenous Peoples in drafting and implementing international instruments and customary international law that informs our work towards justice.

The Declaration

We the Indigenous Peoples of the World DECLARE that:

- water is not a commodity. Water is a spirit that has a right to be treated as an ecological entity, with its own inherent right to exist.

We further DECLARE that Indigenous Peoples:

- of many Indigenous Nations have inherent aboriginal, treaty and other rights to water and waterways for navigation, customary and cultural uses of water.
- have inherent and human rights to water for basic human needs, sanitation, social, economic and cultural purposes.
- have a right to access adequate supplies of water that are safe for human consumption, hygiene and cooking.
- must be fully involved in source water and water shed protection planning and operational processes including controlling Indigenous water licenses and fair allocation policies and practices; and
- have a right to access and control, regulate and use water for navigation, irrigation, harvesting, transportation and other beneficial purposes.

Indigenous Peoples also DECLARE that States must:

- fully adopt, implement and adhere to those international instruments that recognise the rights of Indigenous peoples and our right to land and water. These include but are not limited to the:
 1. International Convention on the Elimination of All Forms of Racial Discrimination 1965 (CERD);
 2. World Heritage Convention 1972;
 3. International Covenant on Cultural, Economic and Social Rights;
 4. International Labour Organisation Convention 169;
 5. Rio Earth Summit Declaration;
 6. Palenque Declaration;
 7. Kyoto Water Declaration;
 8. Ramstad Convention;
 9. Convention on Biological Diversity 1992;
 10. United Nations Declaration on the Rights of Indigenous Peoples, specifically Articles 8, 20, 24, 25, 26, 27, 28, 29, 31 and 32;
 11. International Covenant of Political and Civil Rights;
 12. UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005);
 13. UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001);
 14. UNESCO Convention on the Safeguarding of Intangible Cultural Heritage (2003);
- recognise that all traditional Intellectual Knowledge and interpretation of the knowledge is the property of the Indigenous peoples and knowledge holder(s);
- fully engage with Indigenous peoples and obtain their free prior and informed consent on matters affecting them. States shall engage with the Indigenous Peoples delegated representatives in accordance with Article 19 of the United Nations Declaration of the Rights of Indigenous Peoples, and
- continue adoption of major cuts to greenhouse gas emissions to combat human induced Climate Change, as well as other harmful compounds and chemicals that cause pollution of water sources.

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Contacts: water@cdu.edu.au (Independent Indigenous non government organisation)