

***“The 3rd DECLARATION FOR HEALTH, LIFE AND DEFENSE OF OUR LANDS,
RIGHTS AND FUTURE GENERATIONS”***

**Adopted by the 3rd International Indigenous Women’s Symposium
on Environmental and Reproductive Health: Advancing Research and Assessing
Impacts of Environmental Violence on Indigenous Women and Girls**

**APRIL 14 – 15, 2018
COLUMBIA UNIVERSITY LAW SCHOOL
NEW YORK CITY, NEW YORK**

Organized and sponsored by the International Indigenous Women’s Forum (FIMI), the International Indian Treaty Council (IITC), the Institute for the Study of Human Rights (Indigenous Peoples’ Rights Program) at Columbia University and el Fondo para el Desarrollo de los Pueblos Indígenas del América Latina y el Caribe (FILAC)

Co-sponsored by: MADRE; Alaska Community Action on Toxics; Tribal Link; and Columbia University’s Center for Gender and Sexuality Law, Native American Law Students Association, If/When/How: Lawyering for Reproductive Justice, Law School, Center for the Study of Social Difference and Center for the Study of Ethnicity and Race.

**Submitted to the 17th Session of the United Nations Permanent Forum on Indigenous Issues
APRIL 18, 2018**

We, Indigenous women and our allies from all regions of the world gathered at the **3rd INTERNATIONAL INDIGENOUS WOMEN'S ENVIRONMENTAL AND REPRODUCTIVE HEALTH SYMPOSIUM**, at Columbia University Law School in New York City on April 14 - 15, 2018.

We thank the Ramapough Lenape Nation for welcoming us to their traditional homelands. We also express our heartfelt thanks to Columbia University for hosting the Symposium, to the Symposium organizers and to all those who supported this historic event.

We have shared our struggles, songs, cultural understandings, research, and lived experiences focusing on the impacts of environmental violence in our communities including the deadly effects of environmental toxics on our reproductive health. We cried together and comforted each other. We built on and amplified the voices of the grass-roots women, mothers and grandmothers, midwives, traditional healers and community leaders who first raised these concerns. They were the heroes who begin to call the attention of the world to the reproductive and intergenerational health impacts of environmental contamination including the increasing levels of birth defects, stillbirths, leukemia, reproductive system cancers and other life-threatening conditions that had been very rare in their communities in the past.

We continue to honor their contributions and calls for justice, and endorse the Declarations from the previous two Symposia in California (2010) and Chickaloon Alaska (2012) which first defined these deliberate deadly exposures to pesticides, mining wastes and other sources of toxic contamination as environmental violence. We continue to call for the full implementation of their recommendations.

In coming together at this 3rd Symposium, we have renewed our shared commitments to put a stop to the horrific environmental violence, and the continued impunity of States and corporations which continue to contaminate us and impact our sacred life-giving capacities.

We encourage the international bodies and mechanisms which have recognized the relationship between Environmental Toxics and Reproductive Health as well as the impacts of Environmental Violence, including the UN Permanent Forum on Indigenous Issues, to continue to prioritize this issue and to work for effective solutions in collaboration with Indigenous women from all regions.¹ We also encourage other UN bodies, including the UN Business and Human Rights Forum, the Committee on Food Security and the Commission on the Status of Women, to begin to focus greater attention on Environmental Violence against Indigenous Women and Girls in the context of their own mandates.

We appreciate the interest and engagement of the academic and scientific communities in supporting us in documenting and bringing these situations to light. We have seen how governments continue to collaborate with corporations to promote “acceptable risk” standards, deny impacts and allow continued contamination. Information is withheld or not provided to Indigenous communities even when the impacts of chemicals, or practices, they are exposed to are well known and well documented by corporations, scientists and governments. Indigenous Peoples are left with the burden of proof regarding the cause of the health impacts they are experiencing, and their anecdotal reports are ignored or dismissed as “unverified” and “unscientific”. Meanwhile sexual and environmental violence is happening under a veil of secrecy and impunity.

We understand that partnering with scientists and academics, and the International arena, requires continued capacity-building for effective community engagement as well as a commitment by these scientists and academics to implement and respect Indigenous Peoples’ right to Free, Prior, Informed Consent. Respecting traditional knowledge and on-the ground experiences is important for the

development of successful community-driven participatory research methods as an alternative to the “extractive research” models of the past.

We commend the work of the Indigenous women who presented their participatory research, studies and community experiences. These include the devastating impacts of pesticides, including those that have been banned by the exporting countries, uranium mining and nuclear weapons testing, toxic waste incineration, small and large-scale gold mining using mercury, coal ash dumping, military waste, narcotics and pharma-chemicals, sexual violence carried out in association with extractive industries and the criminalization and repression of women human and environmental rights defenders.

We express our collective outrage that current federal and international laws permit industry, military and all levels of government to knowingly produce, release, store, transport, export, import and dump hazardous chemicals and radioactive materials, and expand contaminating activities such as fossil fuel development, hydraulic fracturing, uranium mining and milling, introduction of genetically modified seeds, toxic waste incineration and high-pesticide agriculture. Our Indigenous communities and homelands have been treated as colonies for resource extraction with devastating impacts on our intergenerational health. We call for a just transition from fossil fuel dependency to sustainable and just economies as a key element of Environmental Health.

We call for a halt to all forms of environmental violence including sexual violence, exploitation and trafficking of Indigenous women and girls carried out in association with extractive industries, and targeting of Indigenous human and environmental rights defenders.

We understand that as Indigenous Peoples, and Indigenous women, we have rights: to health, dignity, culture, life, a safe and clean environment, healthy clean foods, decision-making in matters that affect us, and to free prior and informed consent, among others. The International Human Rights framework contains standards that we can use to protect our rights to intergenerational and environmental health, and to be free from environmental violence. These include the UN Declaration on Rights of Indigenous Peoples, the UN Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Convention on the Rights of Persons with Disabilities; UN Environmental Conventions including the Minamata and Stockholm Conventions which, however, too often fail to recognize the full and effective participation of Indigenous Peoples or their rights.

We reaffirm the inherent right of our Peoples to clean water, air, land and food, and the inalienable rights of our children to be born healthy and toxics-free. We again acknowledge the sacredness of the life-giving force of our birthing places and the traditional knowledge and practices of our Indigenous women healers and practitioners.

Healing and empowerment will mean finding the pathways to return our spirits to ourselves, and restore our collective dignity, identity, and our confidence in our own power. We will need to work in partnership to amplify our voices, share our information and experiences, develop strategies and create solutions that we can undertake together. We also affirm the urgent need for us to expand and strengthen our alliances to more effectively address our shared concerns.

In response to these affirmations, commitments and understanding we make the following recommendations, calls to action and next steps to find and implement solutions:

1. We call upon Indigenous, National and International processes to respect the traditional knowledge of Indigenous women regarding sustainable development, environmental protection, cultural practices, food production and health and to include their full and effective participation as leaders and experts in all levels of decision-making on these matters.
2. We call for an immediate halt to the criminalization, incarceration, intimidation, coercion, death threats and assassination of all Indigenous human and environmental rights defenders from developed and developing countries who are protecting their homelands, communities, future generations, and life-giving processes from environmental destruction and contamination. As one example out of many others, we condemn the recent action of the government of the Philippines who've raised terrorism allegations against Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples and one of the most renown and respected indigenous women advocates, as well as Joan Carling, representative of the Indigenous Peoples Major Group for the Sustainable Development Goals (SDGs), along with over 30 Indigenous community based human rights defenders in the Philippines. We call upon the UN Human Rights System to demand that the Philippines remove their names from this list and ensure their safety, along with all other women defenders from around the world.
3. We call on States to immediately cease the criminalization of Indigenous women's health, birthing practices, traditional midwifery, and to respect the use of Indigenous medicinal knowledge on equal footing with other health systems and methods, including the right of Indigenous healers to protect, use and share this knowledge as they so choose.
4. We call upon academia, human rights and environmental researchers to support Indigenous Peoples in documenting incidents of environmental violence including sexual assaults, sexual trafficking and missing and murdered women and girls directly related to the influx of mining, oil drilling, fracking, timber cutting and other extractive industries in and around Indigenous communities so that cases can be filed nationally and internationally. Not only must individual perpetrators be held accountable for these crimes but the national and transnational corporations must be brought to justice in State as well as international processes so that impunity will not continue.
5. We affirm the role and authority of Indigenous laws and legal systems, including Treaty-based justice systems, as well as national, regional and international justice systems to hold perpetrators accountable for all forms of environmental violence and ensure that Indigenous women are heard without prejudice.
6. We will continue educating our own Peoples and communities about the links between reproductive health and environmental contaminants as well as their human rights as affirmed in the UN Declaration, Nation-to-Nation Treaties and other international standards. This includes facilitating cross-border and multi-regional information-sharing as a key component of FPIC.
7. We will provide capacity-building and training to assist impacted women and girls as well as other community members to document their experiences and the impacts of Environmental Violence to hold States and corporations accountable, including by collecting community testimonies for submission to UN Human Rights bodies and partnering in a respectful way with scientists and academics to document experiences and present human rights cases.
8. We commit, in these efforts, to include the participation, experiences, unique challenges and vulnerabilities of Indigenous persons with disabilities, as well as to collect additional information to document the links between disabilities and prenatal exposure to environmental toxics.

9. We call on States to fully implement and uphold, without qualification, the UN Declaration on the Rights of Indigenous Peoples, including, inter alia, Article 29 regarding the right of Indigenous Peoples to the protection of their environments and the State obligation to ensure Free Prior and Informed Consent regarding hazardous materials, as well as Article 32 affirming FPIC regarding development activities on our lands, and Articles 20, 23,24 and 31 affirming our collective rights to health, use of traditional medicines, cultural heritage, and subsistence practices.

10. We once again call upon States to eliminate the production, import, export and use of pesticides, industrial chemicals and toxic by-products that disrupt the endocrine system, affect learning and neurological development, cause reproductive system cancers, undermine reproductive and maternal health, and affect the well-being of our future human generations and our relatives of the natural world.

11. We further call on States and corporations to take responsibility for effective and immediate clean-up of contaminated sites, in collaboration and coordination with impacted Indigenous Peoples, created by activities which they permitted or approved, in accordance with Committee on the Rights of the Child and CERD recommendations to various States.

12. To call upon States to initiate transparent ongoing dialogues with Indigenous Peoples regarding rights to lands and territories, environmental and reproductive health as human rights, and to include, when appropriate, corporations.

13. We also make the following calls upon the United Nations system:

a) For the UN Human Right bodies hold States accountable through stronger monitoring and oversight processes for implementation of relevant Treaty Body and Universal Periodic Review recommendations, as well as the Business and Human Rights Principles regarding their obligations to monitor the activities of corporations they license and ensure that they do not violate human rights of Indigenous Peoples.

b) For UN Special Rapporteurs and other Human Rights Mandate holders, bodies, agencies and processes to coordinate their efforts to address Environmental Health and Environmental Violence as cross cutting issues impacting many UN processes and mandates including implementation of the UN 2030 Sustainable Development Agenda, Health, Women, children, environment, food sovereignty/security, land and resources, and human rights defenders, among others.

c) For the UN Special Rapporteur on Human Rights Defenders to prioritize cases of Indigenous Women Human and Environmental Rights defenders and for the UN Special Rapporteur on the Rights of Indigenous Peoples to include Environmental Violence in her study on Indigenous Women Human Rights Defenders.

d) For UN agencies and bodies to support Indigenous Peoples from all regions to build their capacity to understand their rights, effectively use the UN Human Rights System, understand the risks of the substances to which they are exposed and to develop internal monitoring protocols and indicators to measure implementation of their rights, and further to provide capacity building for States, UN agencies and processes to better understand, incorporate and implement the rights of Indigenous Peoples.

- e) For the UN Committee on the Rights of the Child to adopt a General Comment addressing Children's Rights and the Environment as called for by Indigenous Peoples and Civil Society Organizations.
- f) For the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) to prioritize Indigenous women as one of the central themes of its next and future sessions including addressing the issue of Environmental Violence and Indigenous Women human and environmental rights defenders. We further recommend that CEDAW establish a Voluntary Fund so that Indigenous women and girls can effectively and consistently participate.
- g) For the UNPFII 17th session take note of this Declaration and its recommendations to develop next steps within its mandate, including by calling upon the Inter-Agency Support Group to act in keeping with their respective mandates to address the concerns presented in this Declaration.
- h) For the UN Chemicals Conventions (Stockholm, Basel, Rotterdam and Minamata) to be held accountable to uphold Human Rights standards in their decision-making including the UN Declaration of the Rights of Indigenous Peoples.
- i) For the UNPFII to adopt a resolution at its 17th session calling for strengthening UN legally binding standards regarding the lifecycle impacts of toxic chemicals incorporating a human rights framework and approach, including the rights of Indigenous Peoples to FPIC and full participation in decision making. In this regard we express our support for the current legal review of the Rotterdam Convention and other UN Chemical Conventions by the Special Rapporteur on Human Rights and Toxics as called for by UNPFII 17th session, and we commit to collaborate with him to provide information, documentation, and expertise upon request. We also urge the governments of Mexico, Peru and other States to arrange his requested country visits without further delay.
- j) For the UN Framework Convention on Climate Change to focus attention on the relationship between the causes and impacts of Climate Change and the toxic contamination Indigenous Peoples' lands, ecosystems, traditional food systems and bodies.
- k) For the UN Food and Agriculture Organization to implement the call by Indigenous Peoples and the Chair of the UNPFII to revise the FAO Code of Conduct on Pesticides to include the right to FPIC for Indigenous Peoples affected by pesticides including those that continue to be exported by countries that have banned them.
- l) For the World Intellectual Property Organization and its Intergovernmental Committee on Traditional Knowledge, Genetic Resources and Folklore fully apply the UN Declaration on the Rights of Indigenous Peoples, including Articles 31 and 18 in its standard setting processes to ensure the protection of Indigenous Peoples genetic resources and traditional knowledge.
- m) For States as well as the UN Process, in their consideration of themes relevant to implementation of the UN Sustainable Development Goals and the 2030 Agenda, to develop indicators and collect data related to the causes and impacts of Environmental Violence which can inform the adoption of national laws and policies and be included in each country's Voluntary National Reports.

n) For UN Agencies and bodies focusing on Agriculture and Food Security (i.e. UN FAO, International Fund for Agricultural Development, UN Committee on Food Security, activities for the Decade of the Family Farm) as well as organizations in solidarity, to work with Indigenous Food Producers to create strategies and markets for Indigenous agricultural products using organic and traditional methods of production so that they can compete with modern agriculture companies.

o) For the United Nations Secretariat for the Chemicals Convention to create a Voluntary Fund to support Indigenous women to attend and participate in the UN Chemical Convention meetings to allow them to speak for themselves and advocate for their Peoples health, lands and rights.

14. We call for research carried out on Indigenous Peoples to be decolonized. We urge and encourage Indigenous Peoples, Nations and communities to implement their own protocols and criteria for engaging with scientists and academics to conduct studies and research on reproductive and intergenerational health and other aspects of Environmental Violence, and for scientists and academics to endorse these criteria prior to engaging with Indigenous Peoples. Protocols could include, inter alia:

a) All proposed research should be presented for review and approval to the community in both the mainstream and Indigenous languages so that they can exercise free, prior and informed consent in accordance with the standard provided by the UN Declaration in Article 18 regarding participation in decision-making.

b) Research should incorporate recommendations from recognized experts and knowledge holders from within the Indigenous community on the specific research question(s), methodology, mediation scope, and monitoring, among others.

c) The intellectual property/content and outcomes of a study must be shared and explained by the researcher with the community in both mainstream and Indigenous language so that they can determine what can be disseminated and shared outside the community.

d) “Community-Based Participatory Research” be utilized as the methodology and specific research protocols consistent with works such as “Decolonizing Methodologies” by indigenous researcher, Dr. Linda Smith of Aotearoa, be utilized to combat the practice of “Extractive Research”.

e) Data from broader studies should be disaggregated to illustrate disparities, develop strategies to improve Indigenous Peoples’ health and identify root causes.

f) Researchers must provide complete transparency with research participants so that biological samples and all other collected data will be used solely for the purpose indicated in the approved Free Prior Informed Consent procedure and then returned to the community in accordance with the standards for control and protection of traditional knowledge and genetic resources in the UN Declaration Article 31.

g) Ensure that all FPIC practices explicitly require the participation of indigenous women, youth, elders and traditional knowledge keepers, and persons with disabilities in the decision-making process.

h) Oral histories and traditional knowledge will be collected and documented by Indigenous researchers from the community in question and will remain within the community unless otherwise agreed by the knowledge holders. Resources should be made available to increase the research capacity of Indigenous

Peoples' community members so that we can tell our own stories and rewrite existing narratives from an Indigenous perspective;

I) Traditional knowledge holders including traditional healers be given the same level of respect, acknowledgement, and privilege as western medicine practitioners in all studies in which they chose to participate.

j) The role and involvement of Indigenous Universities and academic institutions should be strengthened, supported and recognized in educational and academic process and studies involving the health, rights, ways of life and traditional knowledge of Indigenous Peoples as well as in archiving and distributing the outcomes and results.

We further recommend:

14. That Governments on all levels dedicate resources and adopt policies to support traditional ways of farming and food production including the recognition of Indigenous Peoples Food Sovereignty zones and halting of mega-projects and corporate activities that exploit Indigenous Peoples seeds and crops, promote agro-chemicals and GMO's and contaminate Indigenous Peoples' lands and waters.

15. That Tribes, Universities and other institutions divest from multi-national chemical and pesticide companies and other polluters.

16. That innovative communication strategies, including new technologies, be utilized by Indigenous Peoples to inform their communities and the public about the grave reproductive and other health risks of environmental violence and environmental toxics and strategies for solutions.

17. That the environmental impacts, environmental violence and intergenerational health impacts caused by all forms of military activities by State and non-state actors including militarization of Indigenous lands, waste dumping and clean-up activities, and militarized border enforcement carried out on Indigenous Peoples lands and territories be addressed, and additional studies be conducted to achieve a more comprehensive overview of these impacts in all countries.

18. That States and corporations provide for complete clean-up and restoration of contaminated sites, eco-systems, and waterways, working in conjunction and with the agreement of the impacted Indigenous Peoples regarding the process and results, and that reparations and medical care are provided to all persons and families who have been impacted because of contaminating activities.

19. That States amend their regulatory and public health policies to support of the health and rights of Indigenous Peoples rather than protecting the interests of corporations and the military, recognizing that for chemicals that are endocrine-disrupting, cause genetic changes or birth defects, or combine to magnify the impacts, there are no safe levels of exposure. We call upon tribal, provincial and State governments to establish standards that protect women, children, and future generations based on the precautionary principle rather than "acceptable risk".

20. That Indigenous Peoples in each country establish their own monitoring and observance mechanisms to measure State compliance with the rights of Indigenous Peoples including rights related to intergenerational health, corporate and government accountability and environmental protection.

In Conclusion:

We recognize the impacts and tragedies that have occurred because of environmental violence, but we also celebrate our victories, strength, resilience and resistance. We commit to continue our struggles and fulfill our responsibilities to our children and the generations still to come. We commit to continue revitalizing our traditional ways of life, languages, and cultures, and to implement solutions in our own communities based on our traditional knowledge, practices and ways of knowing. We commit to reclaim our wellness and power as Indigenous women and Peoples and reaffirm that our children have a right to be born healthy and to live in a clean environment. To heal our Peoples and Mother Earth, we must continue to heal ourselves, tell our stories, build our unity, defend our rights and be who we are.

Adopted by Consensus in New York City, Lenape Traditional Territory, April 15, 2018

ⁱ We acknowledge the International bodies and UN experts who have contributed significantly to international recognition of Environmental Violence and related human rights violations since the last Symposium in 2012. These include, notably, the UN Permanent Forum on Indigenous Issues (UNPFII) which recognized Environmental Violence as a form of Violence against Indigenous Women and Girls in the reports of their Expert Group Meetings in 2012 and 2014, and in the report of its 13th session.

We thank the current members of the UNPFII from the Africa, Latin America, and Arctic regions who participated in this Symposium, and appreciate the continued attention of the UNPFII to this issue including by receiving the preliminary report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, on his human rights review of the Rotterdam Convention at its current 17th session.

We also acknowledge with appreciation the contributions of other international conferences, UN mechanisms and fora which have further supported the work by Indigenous Peoples to address this issue. These include:

- a) The Lima Declaration from the World Conference of Indigenous Women in 2014, which called for zero tolerance of all forms of Violence against Indigenous Women, including Environmental Violence;*
- b) The UN Special Rapporteurs on the Rights of Indigenous Peoples, on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, and on the Human Rights and the Environment, whom have all addressed the connections between environmental toxics and intergenerational/reproductive health;*
- c) The UN Committee on the Elimination of Racial Discrimination (CERD) and the historic recommendations calling upon the US and Canada in 2012 and 2014 to take appropriate legislative measures to prevent the transnational corporations they license from negatively impacting the rights of Indigenous Peoples outside of their country, focusing on the specific impacts of US pesticides exports and mining by Canadian-based transnational companies; and,*
- d) The UN Committee on the Rights of the Child's ground-breaking recognition of "Environmental Health" as a right protected under Article 24 of the Convention based on its 2015 country review of Mexico, including the recommendation to Mexico to halt the import of pesticides that have been banned for use by exporting countries and the CRC's Day of Discussion on Child Rights and the Environment in 2016; and,*
- e) The UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) for its 2016 Study on Right to Health which recognized and included Environmental Health and the reproductive impacts of pesticides.*