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**United Nations Environment Programme (UNEP)
Twenty-third session of the Governing Council/Global Ministerial Environment Forum
21–25 February 2005, Nairobi Kenya**

**Oral Statement of the Indigenous Peoples, presented by Antonio Gonzales,
International Indian Treaty Council, February 25, 2004**

Item 9. Programme on the Environment fund and Administrative and other budgetary matters, Water and Chemicals

Mr Chairman and distinguished delegates;

We the Indigenous peoples would like to take this time to address the issue of chemicals, specifically Mercury. Indigenous peoples and children have the right to a healthy and safe environment within their communities and the right to exercise their traditions, culture, spirituality and customary means of subsistence as noted in document UNEP/GC.23/INF/23 Environment and Cultural Diversity. Mercury contamination disproportionately impacts our health, quality of life and the survival of our children.

Mr. Chairman; we acknowledge with deep appreciation that there were good faith efforts of some Governments within the chemicals workgroup addressing document UNEP/GC.23/L1 which called for further long term international action, including a legally binding instrument, to reduce the risks to human health and the environment arising from the releases of mercury, and possibly, if justified also for other heavy metals such as lead and cadmium. Traditional Indigenous peoples strongly support this. Indigenous peoples and IITC urge UNEP to support this.

We also strongly support immediate and effective measures that will reduce or eliminate releases of Mercury and it's compounds to the Environment. We urge immediate concrete actions to substantially reduce mercury demand and release on the local, national and international scale.

Mr. Chairman, we the Indigenous Peoples are most disproportionately impacted by mercury contamination within our natural environment. We have been primarily impacted due to tons of mercury being disposed of within our environment as a result of historical gold mining on our lands. In the United States, there remains a lack of will by

the U.S government to clean this up, and this can only be seen as a second wave of cultural genocide from the Gold Rush that continues even after mercury is not generally used. Mercury continues to severely poison and contaminate our waterways, air, lands, and traditional subsistence foods. Thereby, the health and well being of Indigenous Peoples is grossly compromised due to the release of mercury within our territories and food systems.

Indigenous Peoples maintain profound and unbreakable connections with our Natural environment. We call for recognition of the fundamental link between Indigenous peoples food systems, food security, and traditional cultures, and this must be recognized within this forum, and International negotiations on the issue of Mercury. Many Indigenous Peoples primarily rely upon our environment to provide our necessary means of subsistence, with emphasis on the consumption of salmon and fish. Mercury contamination within our subsistence use areas deprives our peoples of our inherent right to continue our subsistence way of life. Article 1 of the International Covenant on Civil and Political Rights, which the US ratified in 1992 states that all peoples, by virtue of their right to Self-Determination may freely pursue their own economic, social and cultural development, and freely dispose of their natural wealth and resources. It also states that:

“In no case may a people be deprived of their own means of subsistence”

There remains a profound irreversible and severe negative effect of Mercury on human health and the basic inherent human right of all peoples to enjoy quality health is at issue. We are greatly concerned with Methylmercury exposure to women and to the unborn fetus and young children. This poses a very serious threat to our individual and collective development as Indigenous peoples and our ability to transmit our culture to our future generations. This is in violation of the “Rights of the Child”

Within the United States there is evident lack of adequate government response to the toxic legacy of Mercury contamination. For instance, there is a goal of reducing mercury emissions from coal-fired power plants by only 30% by 2010 and 70% by 2018. According to some experts the latter date is unrealistic and may be extended to 2025. Similarly, the U.S has taken no steps to reduce mercury pollution from the chlor-alkali industry, which consumes as much or more mercury per year than the coal fired power plants.

These proposals are inadequate and will result in hundreds of additional tons of mercury to be deposited into our environment. There has been no real commitment to clean up abandoned gold and mercury mines as well. Political pressure from the utility and chemical industries has resulted in that sector enjoying an exemption from mercury related regulations for many years. So, where is the trust responsibility or good faith effort of the US in their obligation to the health and well being of Indigenous peoples and US citizens? We noted that the US is clearly not in favor of the terms “ban” or “phase-out” as well as a “legally binding instrument” They were also opposed to meaningful immediate actions available to the world today.

Therefore we seriously question if there is a real commitment toward addressing the serious and detrimental effects of Mercury contamination at the national level as well as within this international negotiating process. We strongly recommend immediate and concrete actions to stop mercury poisoning, as well as a legally binding instrument to that effect.

Thank You, All My Relations.