



PESTICIDES AND THE RIGHTS OF INDIGENOUS PEOPLES

“States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.”

--- Article 29, para. 2, United Nations Declaration on the Rights of Indigenous Peoples

In 1997, a University of Arizona scientist conducted a study of the health effects of agricultural pesticides among children in the homelands of the Yaqui Indians in Sonora, Mexico. Families living near the fields are exposed to frequent aerial spraying of pesticides. For some, their only source of drinking water is contaminated irrigation canals. Yaqui farm workers carry poisons home in pesticides-soaked clothing, unknowingly spreading the contamination to their children.



Crop dusters spray pesticides on fields, workers, families, homes and communities in Mexico and elsewhere”. Photo credit: PANNA

This study detected high levels of pesticides in the cord blood of newborns and in mother’s milk, and found birth defects, learning and development disabilities, leukemia, abnormal breast development and other severe health problems in Yaqui children. Cancer and other serious illnesses are very high among family members of all ages. Deaths from acute pesticides poisoning are increasing.

Toxics bio-accumulate and are passed on through the food chain and natural environment. Additionally, toxic travel in the environment, moving to the North and impacting Arctic Indigenous Peoples (Alaska, Canada, and Greenland) who also report high levels of contamination of mothers’ breast milk and subsistence foods.

US PRODUCTION AND EXPORT OF BANNED PESTICIDES

Industrialized countries such as the United States (US) produce and export dangerous pesticides to developing countries even when they have been banned in their own countries. Export data from US ports from 2001 – 2003 confirmed the export of over 27 million pounds of pesticides whose use was forbidden in the US at an average rate of 16 tons per day. The US Environmental Protection Agency reported, in response to a Freedom of Information Act request filed in 2012 by the International Indian Treaty Council (IITC) and Advocates for Environmental Human Rights, that pesticides prohibited for use in the US were being produced in 23 US States. Most are sent to the developing world for use in agriculture.

In 2008 the World Bank reported over 355,000 people worldwide die annually from pesticide poisoning, although this figure may be drastically underestimated. The development, health and potential of future generations is at stake because nursing infants, young children and unborn babies exposed in utero suffer the most severe harms.

“From a traditional perspective, the health of our Peoples cannot be separated from the health of our environment, the practice of our spirituality and the expression of our inherent right to self-determination, upon which the mental, physical and social health of our communities is based.”

*--- Faith Gemmill, IITC Board member, Gwich’in Nation, Alaska,
IITC intervention to the UN Working Group on Indigenous Populations, 1994*

PESTICIDES, HUMAN RIGHTS AND INTERNATIONAL LAW



*Pesticides impact more than the environment...
Photo: Jeff Conant*

In 2001, the United Nations (UN) Rapporteur on the Adverse Effects of the Illicit Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights used harsh words to describe the US practice of exporting chemicals and pesticides banned domestically to developing nations: ***“Just because something is not illegal, it may still be immoral. Allowing the export of products recognized to be harmful is immoral”***.

The production, export and unmonitored use of banned, prohibited and dangerous pesticides violate a range of human rights that are protected under International Laws and Conventions including the UN Declaration on the Rights of Indigenous Peoples. These rights include the Rights of the Child, Right to Health including Reproductive Health, Right to Food, Development, Life, Physical Integrity, Free Prior and Informed Consent, Cultural Rights, the Right to be Free from all Forms of Racism and Racial Discrimination and the Right of All Peoples not to be Deprived of their Means of Subsistence.

Indigenous Peoples worked to bring about a legally-binding International Treaty, known as the Stockholm Convention, which eliminated 12 of the worst Persistent Organic Pollutants (POPs), including nine Pesticides and went into effect in 2004. Additional POPs have been added for global phase-out since that time, including lindane and endosulfan. The Stockholm Convention affirms the precautionary principle, which means that chemicals should not be used or released until they are proven to be safe for the environment and human health. Unfortunately, most governments and corporations still do not abide by the precautionary principle.



*...and contaminate communities far from where they are used.
Photo: Alaska Community Action on Toxics.*

The UN has been alerted to this critical situation as a form of environmental violence affecting Indigenous Peoples' health and human rights in and outside the US. Testimonies from impacted community members have been submitted to UN human rights bodies by the IITC. The UN has questioned both the US and Mexico about policies allowing dangerous and banned pesticides to be produced, exported, imported and used. More awareness, support and pressure is needed to call upon the US to halt this practice, and to challenge national and international laws which allow it to continue despite the well-documented human rights impacts.

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The International Indian Treaty Council (IITC), founded in 1974, is an Indigenous organization working for the protection of human rights, cultures, treaties and traditional lands from the local to the international levels. In 1977, IITC was the first Indigenous organization to receive Consultative Status with the United Nations Economic and Social Council, and in 2011 was the first to be upgraded to General Consultative Status.

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