

## **Intervention on the Issue of Hydrofracking**

Presented by the Haudenosaunee  
To the United Nations Permanent Forum on Indigenous Issues  
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**Special Issue:** Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples

### **Recommendations:**

**Recognizing that hydrofracking is negatively impacting Indigenous Peoples, their lands, territories, and waters globally,**

**We call upon the UNPFII to convene an Expert Group Meeting on the issue of hydraulic fracturing, otherwise known as “hydrofracking,” to examine the ways that indigenous peoples are being impacted or potentially impacted by hydrofracking,** and report to UNDP, UNEP, and other appropriate UN agencies with a responsibility for environmental and human rights protections.

**We call for a complete ban on the method of natural gas drilling known as hydraulic fracturing, or “hydrofracking,” within the traditional territory and treaty lands of the Haudenosaunee Confederacy, and everywhere hydrofracking will contaminate land, air, and water.**

Thank you, Mr. Chairperson. The Haudenosaunee have a unique spiritual, cultural, and historic relationship with the natural world and ecological systems, which is embodied in the Gayananshogowa, the Great Law of Peace. Our Original Instructions, which serve as our fundamental and organic laws, teach us to live in sacred relationship with all life forms, with which we are inextricably, and biologically interconnected. In keeping with these Instructions, we have been charged with the responsibility to care for the land, air, water, and all forms of life within our traditional lands and territories.

Our teachings tell us that the world is not to be taken for granted, and that a spiritual communication with, thankfulness for, and acknowledgment of all living things must be given to align the minds and hearts of the people with Nature. The Haudenosaunee know that every part of the natural world is important and inter-related; when humans act in ways that are destructive to ecological balance, we do so at the peril of our grandchildren, our future generations. In few cases is this more evident than with the method of natural gas drilling known as hydraulic fracturing or “hydrofracking.”

High volume, slick water hydraulic fracturing involves drill 1000s of feet underground and then horizontal drilling, with the shale layer, for up to a mile in all directions from the well head. Then the shale is violently broken up, or fractured, using up to 7.8 million gallons of fresh water, to which sand and 100s of highly toxic chemicals are added. This mixture is forced into the shale at very high pressure, so that the shale is broken up and the small pockets of gas are opened up. Each frack contains between 180,000 and 530,000 pounds of toxic chemicals. After each frack, most of this frack fluid comes back out of the well and must be treated, as is also contains radioactivity and is 5 to 6 times saltier than sea water. One frack well uses between 1.5 million to 9 million gallons of water mixed with fracturing chemicals and only 30 to 40% of it is regularly recovered. The overall process potentially involves billions of gallons of water being contaminated. There are no adequate treatment facilities in New York State. Pennsylvania has permitted 1100 new wells in the past 2 years, which calculates to over 40,000,000 pounds of chemicals per year if even shale gas well is only fracked once, and based upon the above estimate of chemicals recovered, some 60 to 70% remains in the ground to contaminate groundwater and aquifers. In waterways adjacent to the Great Lakes and other major bodies of water this poses a dire threat to the Earth's waterways. Hydrofracking desecrates Mother Earth.

According to our Original Instructions, water is life. This is why water is sacred and precious: Every living being on this Earth, and even Mother Earth herself, rely on water. Without water the earth would be a dead zone. Humans all beings have a right to clean, healthy water. According to our Original Instructions, water is life. This is why water is sacred and precious: Every living being on this Earth, and even Mother Earth herself, rely on water. Without water the earth would be a dead zone. Humans and all beings have a right to clean, healthy water, and the negative impacts of hydrofracking violate that right.

The Haudenosaunee know first-hand the results of violating the deep bedrock of Mother Earth. Over 100 years ago, a company began solution mining in the Tully Valley, upstream of the Onondaga Nation, pumping water down wells to dissolve the brine deposits found deep below. The necessary time has passed to feel the impacts; our once clear Onondaga Creek is now contaminated with sediments from the mudboils; the Tully Valley has subsided 15 feet; and sinkholes and hundreds of deep fissures have opened up where the wells once were.

Representative of the Haudenosaunee Environmental Task Force have visited communities negatively impacted by hydrofracking in Pennsylvania. We have seen first hand the impact of hydrofracking; the vast industrialization of the landscape; the pollution of the air from hundreds of trucks, propane stripping stations; the fragmentation of habitat and landscape by the incursions of roads and drill pads; the ruining of streams and drinking wells from drilling related contamination; and most heartbreakingly, the permanent disruption of peoples homes, lives, and communities. Even when things are done "right," the impacts are devastating, and, in addition to the United States, the process of shale gas fracking is also being used in Canada, Australia, New Zealand and South Africa.

Three Articles of the UN Declaration in particular are particularly related to the issue of hydrofracking:

Article 29, 1) "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands," 2) "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. 3) States shall also effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented."

Article 32, 1) "Indigenous Peoples have the right to determine and develop strategies for the development and use of their lands or territories and other resources;" 2) "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploration of mineral, water or other resources."

Article 37, 1) "Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and constructive arrangement concluded with States and their successors, and to have States honour and respect such treaties, agreements and other constructive arrangements." 2) "Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements."

Hydrofracking violates the spirit of the United Nations draft resolution (A/RES/58/217), proclaiming 2005-2015 as the International Decade for Action—Water for Life.

Because hydrofracking is a violation of Haudenosaunee culture, identity, spirituality, and human rights, the Haudenosaunee will not allow hydrofracking on or near their traditional territory.