

United Nations Permanent Forum on Indigenous Issues

Pacific Caucus Statement

Thursday 17 May 2012

DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Introduction

Mr. (Honorable) Chair,
UN Member States,
Members of the Permanent Forum,
Indigenous brothers and sisters

1. [Respectful greetings]
2. Mr Chair, in accordance with General Assembly resolution 66/142 it was resolved to convene a high-level event during this 11th Session of the Permanent Forum to commemorate the 5th anniversary of the adoption of the UN Declaration on the Rights of Indigenous Peoples.
3. The Pacific Caucus therefore expresses our deep disappointment in the decision yesterday to move this event from the General Assembly Hall, in favor of a thematic debate on Economy and Finance, as this appears to be a continuation of the Doctrine of Discovery where Economy and Finance takes priority over all Equality and Fairness.

Self-determination

4. The right of self-determination is the heart of the UN Declaration Article 3: we continue to assert our self-determination despite the international legal framework that too often serves to undermine our absolute authority. As sovereign First Nations, our political relationships may vary. But despite these differences, we are grateful for a Declaration that recognises our particular historical situation, meets us where we are in the present and works with our own particular way we want to express that. We've always asserted this. That's our reality. It is our right.

Doctrine of Discovery

5. Mr. Chair, as eloquently expressed by Moana Jackson during this Permanent Forum Session, the "*gaze of the colonising "other"*" as expressed through the

Doctrine of Discovery has had a profound, all-pervasive and lasting effect on Indigenous Peoples of the Pacific, and indeed, around the Globe. As the dominant approach to States' relationships with Indigenous Peoples in both historical and contemporary times, its reach seems to know no bounds, extending to our lands, natural resources, culture and social structures – even to the very depths of our souls.

5. All will know of the debilitating impact the Doctrine of Discovery and its offspring, Colonisation has had our capacity to realise self-determination in (Oceania) the Pacific and elsewhere. More fundamentally, the doctrine and its 'colonial champions' have crushed our ability to realise our Human Right to simply exist as who we are, and to freely and naturally express our inherent nature as Indigenous Peoples – whether as individuals, as Indigenous communities, or as First Nations States – on our traditional lands and territories.

Doctrine of Discovery and Decolonisation

6. When the UN was created, one of its main objectives was to bring an end to colonialism. To accomplish this, under Article 73 of the UN Charter, there was generated a list of Non-Self-Governing Territories (NSGTs), along with Administrative Nations appointed to help the client territories prepare for decolonization following policies, criteria and mechanisms established by the UN. From the original roster of 51 members in 1945, today, there are 192 (193) members of the UN due in large part to the U.N.'s mandate for decolonization. (We believe there should be at least a dozen more added to the family of nations)
7. In the past 20 years, the decolonization process slowed to a crawl. Those remaining are primarily Oceanic 'territories.' (The right to self-determination must be respected and realized) The nations of the Pacific pursuing decolonization are Tahiti, Rapa Nui, Kanaky, West Papua, Maluku, Guam, American Samoa, Hawaii...and in the far North Pacific, Alaska.
8. However, in the spirit of the Dalai Lama's generous words which recognise our 'most sacred friends' (that is, those we find it most difficult to forgive), and encouraged by what is arguably a landmark moment in political history with the World Council of Churches' denouncement of the Doctrine of Discovery earlier this year, we the Indigenous Peoples remain ever hopeful for a better future. Such a future can only be created by instituting a new Indigenous paradigm of 're-discovering', redefining and reclaiming our rights and responsibilities, complimented by an enlightened, progressive and mutually-respectful relationship with States.
9. UN member States must transcend the mere articulation of aspirational Indigenous Human Rights standards, and commit to their full implementation.

The unqualified decolonisation of Indigenous Peoples' lands must be prioritised as absolutely necessary in this process, if we are to achieve true reconciliation, justice and freedom. We call for a decolonisation with dignity.

Implementation of Indigenous Rights and Responsibilities

10. Mr. Chair, in this regard, we wish to highlight for the UN member States four areas of particular importance in terms of implementation (and realization) of our Indigenous rights and responsibilities as affirmed by the Declaration on the Rights of Indigenous peoples and other standard-setting instruments.

[C1] Transnational Corporations

11. An important issue within the Pacific is the negative impact of business activities of large multinational corporations on the daily lives of Indigenous peoples. The scale and scope of the resource exploration and exploitation of indigenous peoples' lands and waters affects us as Indigenous peoples and our right to exercise our rights are expressly stated in Article 3 of the Declaration where Indigenous peoples right to self-determination and right to pursue their economic, social and cultural development is expressed. Indigenous Peoples traditional hunting and fishing rights and our right to cultivate and harvest food is gravely impacted upon by the number of transnational corporations engaging in the exploitation of resources, which our land and waters across the Pacific provides. Whilst transnational corporations have begun to implement standards of social responsibility, their approaches towards building relationships and engaging with Indigenous peoples is not always consistent with the cultural, spiritual, social and economic aspirations of the Indigenous peoples outlined within the Declaration.

12. The Asia-Pacific Economic Cooperation forum highlights the tensions felt between Indigenous peoples, States and multinational corporations. The trade policies and practices advocated by APEC pursue profit by circumventing Indigenous Peoples rights. Transnational entities obliterate Indigenous identities through marginalisation and assimilation. The power of these multinational corporations is far-reaching. The gluttony of economics and shareholder profits has taken precedence over Indigenous perspectives and Indigenous peoples collective human rights. (The Moana Nui model provided a process for cooperation to create a future rooted in human rights and indigenous cosmology. We look forward to more Moana Nui meetings paralleling regional economic governmental meeting in our homeland of Oceania)

Climate Change

13. Another pressing issue is the clear and present danger of climate change too

our lands and our oceans. There is already empirical evidence recorded as to rising sea levels, contamination of underground freshwater lenses due to encroaching seas; higher acidity and high ocean temperatures leading to permanent coral bleaching and more frequent extreme weather conditions. To prevent this further, we must recognise the self-determination of Indigenous Peoples through their active assistance as experts within UN expert agencies and forums on designing and implementing strategies for preventing further climate change.

14. There are many imminent issues of human rights of indigenous peoples such as the right to water, food, and health. Unfortunately, there are violations taking place today among our indigenous island nations. More important, there are many issues relating to self-determination such as what will happen when waves roll over the sovereign shores of our states?)

Demilitarisation

15. While today's high level event , and, the Pacific Caucus respectfully requests that the UN General Assembly urge all States to recognize First Nation Peoples' right to their lands, territories and resources which they have traditionally owned and occupied or otherwise used. Another important issue of concern in the Pacific is that of demilitarization.

16. Military in the Pacific poses extreme stressors on the lands, its resources, and the overall health of all indigenous peoples of the Pacific. Military activities include restrictions to land-access, contamination, and pollution resulting in dangerous outcomes with near irrevocable outcomes. Many military sites are located in areas considered sacred to the peoples; the presence of the military restricts cultural connection to our lands and in many cases completely prevents access to these lands. In addition to the restrictions placed on these occupied lands is the major environmental concerns resulting from military presence. A major concern is the dumping of military munitions that have resulted in contamination of our oceans, our lands, and our aquifers. The results of these contaminations are devastating health affects undermining our rights to livelihood and survival. (Even more alarming is the expansion of the United States even in indigenous communities of Australia this year)

UN Agency accountability and coordination.

16. We acknowledge that audits and reviews of UN Agencies have been undertaken regarding alignment with Permanent Forum recommendations. However, the UN needs to ensure it acts consistent with its own policies and standards. We must cooperate in genuine partnership to realize the recommendations in the UN agencies.

Youth statement

17. While we celebrate the fifth anniversary of the Declaration, we also acknowledge the many more miles we have to go in our journey to protect the rights of Indigenous Peoples. And, and as evidenced by the events of the past two weeks, we have not reached this goal. The Declaration has been in the making for over the last 25 years through exhaustive negotiations between Indigenous Peoples, UN agencies and member states. Only through its implementation within the legislative and policy framework of member states will the Rights of Indigenous Peoples be fully protected.

Participation

19. Furthermore, we need to encourage and prepare our Indigenous youth in participating within the international and local mechanisms in the protection of the rights of Indigenous peoples. It is important that we Indigenous youth are prepared for the responsibility of advocating further for the rights of our Indigenous peoples as our elders have and their elders before them. With this we can carry on the path our elders have taken to reach for a system of protection of the rights of Indigenous Peoples. We walk in the footsteps of our ancestors: To our indigenous brothers and sisters we say, we cannot let any of these challenges impede our aspirations and dreams for a future of peace and freedom.

Thank you Mr. Chair.