

**UNITED NATIONS XI PERMANENT FORUM ON INDIGENOUS ISSUES  
NEW YORK, MAY 15-2012**

Item# 4(a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

Presented by Santi Hitorangi  
Hitorangi Indigenous Community

Greeting to Haudenosaunee, Chairman High Chief Edward John, and members of the Permanent Forum on Indigenous Issues.

Mr. Chairman, the human rights of the Rapa Nui people have been grossly violated and continue to be violated by the actions of the Chilean government.

Chile has failed to respect human rights and fundamental freedoms of the Rapa Nui as set forth in Chapter 11, Article 73 of the United Nations Charter and the Declaration on the Rights of Indigenous People, also known as UNDRIP, Articles 3, 4, 5, 10, 18, 19, 23, 25, 27, 29, 31 and 46 subsection 3 of which Chile is a signatory.

I would like to begin with recommendations so we can change conditions on the ground for the community I am representing.

**RECOMMENDATIONS:**

Mr. Chairman, the Hitorangi Indigenous Community is respectfully requesting that the Chilean government abide by United Nation declaration to which Chile is a signatory. As set forth in Article 42 and 46 §3 of UNDRIP the Chilean government is required to act in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

Therefore we respectfully request the Chilean government be required to:

- 1) Provide corrected information to the United Nations with regard to the failures of the “working tables”, and provide equal representation, equal participation in the topics, agendas and schedules of the working tables and conduct all working table meetings on the island;
- 2) Withdraw all criminal charges against the Hitorangi clan and the Rapa Nui people related to land rights claims;
- 3) Require immediate adjudication of the underlying land ownership of the Hitorangi lands, the Hanga Roa Hotel premises;
- 4) Establish a fully equipped Rapa Nui tribunal.
- 5) Further, we request that the Permanent Forum establish an independent international monitoring regime led by indigenous peoples, to ensure that all international trade agreements, States, transnational corporations and business enterprises compile with the UN DRIP.

As a general recommendation, we respectfully request that for the 12<sup>th</sup> session of the Permanent Forum on Indigenous Right, teleconferencing or Skype be enabled to allow indigenous people unable to attend due to financial constraints, to participate at the forum next year.

Mr. Chairman the “working” tables have not been working in good faith or under good governance.

The “working” tables are a direct violation of various rights recognized in the UNDRIP. Our right to free, prior and informed consent is ignored. We are also not allowed to exercise our right of self-determination.

Mr. Jorge Retamales’ reported to this forum on May 8, 2012 that “working” tables” have been functioning since 2010.

On May 11, 2012, in response to this statement the elected Rapa Nui representatives wrote the working tables are dysfunctional and are ineffective for the following reasons:

1. Unequal representation of Rapa Nui versus Chilean officials
2. Unilateral topics set by Chileans, not Rapa Nui.
3. Lack of consultation with regard to the agenda and schedule.
4. Lack of time to study and respond to proposals.
5. Majority of meetings and binding resolutions held on mainland Chile, 3800 km away.

There has never been meaningful discussion with the Hitorangi clan with regard to the on-going, land rights conflict. Instead the Chilean government has authorized the repeated transfer of the Hitorangi lands, in favor of Transoceanica, a multinational corporation. This has been done in opposition to the wishes and without the consent of the Rapa Nui people and the Hitorangi Clan.

Also, in violation of Chapter 11, Article 73 of the United Nations Charter, the Chilean government has failed to ensure the just treatment and protection against abuses of the Rapa Nui people. Specifically, criminalizing the Hitorangi clan as trespassers on their lands and for asserting their land rights, which violates Article 10, 18 and 19 of UNDRIP.

The illegal criminalization and jailing of the Hitorangi clan has prevented adjudication of the underlying land rights issues.

Mr. Chairman,

**The question that remains to be answered is who are the usurpers?  
The Chileans, or the Rapa Nui?**

Furthermore, in violation of Article 27 UNDRIP, the Chilean justice system in Rapa Nui is biased against Rapa Nui land rights interests, for the following reasons:

The Judge, the District Attorney, (the Fiscal), are compelled by the Executive Branch to rule in favor of the state and the interests of multinational corporations, such as Transoceanica.

The Chilean justice court in Rapa Nui has limited capacity and cannot hear land rights cases. Therefore the only way for the Rapa Nui to attempt to get justice is by flying 3800km, 5 hours to Chile, supporting themselves away from home, hiring expensive attorneys, and hoping for a timely hearing without delays, in Spanish (their second language).

The Chilean government continues to act in collusion, and in close partnership with "TRANSOCEANICA" in abusing the Hitorangi clan. On February 7, 2011 members of the Hitorangi Clan, elders and women, were violently evicted by Chilean police using Transoceanica vehicles.

In violation of Court orders, the Chilean government tampered with evidence.

In violation of Court orders, the Chilean government has sided with Transoceanica against the Hitorangi clan.

In violation to UN Charter 11, Article 73 the Chilean government continues to violate its own territorial laws by granting Transoceanica permission to occupy the Hitorangi lands, specifically Decreto Ley No. 2885 of 1979, which states only Rapa Nui people can own land on the island. The Chilean government has also continued the violation of the Treaty of Friendship of 1888.

Since August 2010 when the "working" tables were supposed to be established,

Chile commenced militarization of Rapa Nui under "Mano Dura" the heavy-handed policy of violent reprisals against Rapa Nui people who assert their lands rights.

From September 7, 2010 - February 7, 2011, the Chilean police used violent force including shooting and inhumane treatment to dislodge and jail the Rapa Nui people including women and children from their ancestral lands.

This was reflected by Mr. James Anaya, UN Special Rapporteur on the Rights of Indigenous People's statement of January 2011, and by the Precautionary Measure issued by the Inter-American

Human Rights Commission on February 8, 2011.  
And thanks to Congressman Hon. Eni Faleomavaenga, this issue is  
on the Congressional Record No. H545/February 8, 2011.

Additionally:

In violation of Article 23, 25 and 29 of the UNDRIP, Mr. Daniel Platovsky, a special appointee by President Sebastian Piñera of Chile, a non-Rapa Nui, is unilaterally directing a massive land grab of native Rapa Nui lands for development of a deep sea port, sea bed mining, expansion of *the already massive NASA landing strip airport, and casinos, without the consent of the Rapa Nui people and for the benefit of non-Rapa Nui foreign interests.* These projects would irreparably harm the environment of the island, a UN World Heritage site.

In violation of Article 31 UNDRIP, without the consent of the Rapa Nui, the Chilean government through CONAF has granted permission to Jo Anne Van Tilburg of UCLA and other archeological researchers to excavate our sacred sites and promote mischaracterizations, disparagements and slanders of the Rapa Nui culture, people and ancestors.

Once again, I ask, Mr. Chairman, **who are the usurpers? The Chileans, or the Rapa Nui?**

Thank you for your time and consideration.