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Item 4: Half-day discussion on the Pacific region
21 April 2015

Statement by Jethro Tulin, Akali Tange Association Papua New Guinea and endorsed by the Pacific Caucus.

Madam Chair, Congratulations on your appointment as Chair its good to see a Pacific representative in this important position.

We recommend the Special Rapporteur on the Rights of Indigenous Peoples investigate ways and means to develop or adapt judicial mechanisms to enable Indigenous Peoples to hold businesses, multi-nationals and extractive industries accountable for human rights violations and criminal acts in Indigenous lands and against Indigenous Peoples, in accordance with International criminal law and as outlined in the Declaration on the Rights of Indigenous Peoples. **We recommend** that the Special Rapporteur on the Rights of Indigenous Peoples coordinate with other relevant Special Rapporteurs to undertake this investigation.

Extractive industries, mutli-national companies and businesses continue to violate our human rights in the plundering of our resource by foreign companies. We are deeply aware that the rape of our women, murder of our people and environmental destruction and devastation of our lands are, in fact, criminal acts being committed against us in and on our own Pacific waters and lands. These corporations emanate from 'developed' States for the benefit of the development-privileged global north and west. However we have no opportunity for fair judicial redress or impartial adjudication

Indigenous landowners victim to extractive industries experience tailings into their river systems and poisoning of the very earth that is needed to sustain Indigenous life and cultures, resulting in environmental violence. From environmental damage to our food chains, to the importing and planting of unsustainable crops, threatening our very food security, the peoples of the Pacific experience cultural genocide at the hands of extractive industries then face little to no legal recourse where on-the-ground human rights or criminal law standards are not being met. In fact, it is as if the businesses are the ones dictating the law of the lands.

The weakness of State governments in the supporting foreign companies from developed States entering our sacred, traditional, territorial and life-sustaining lands and resources results in the crushing of our Pacific Indigenous peoples, health, lives and well-being to a degree that is cruel and inhumane.

Corruption and lack of political willpower permit businesses to get away with crimes ranging from murder to forced relocation and evictions, rape, organized assaults, torture and other bodily harm to

our families, in our homes and through the destruction of and for our resources, alongside restrictions of media access and the labeling of our Indigenous Pacific human rights defenders and allies as criminals and subversives and often ending in their deaths.

UN General Assembly Resolution 1803 (XVII), on *Permanent sovereignty over natural resources*, has stated that “violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international co-operation and the maintenance of peace.”

However we do not see these words being upheld in our Indigenous Pacific homelands by the very States who have agreed to this and other treaties, including through the UNDRIP. Violence against our women and men by extractive industries committed by security guards, hired police forces, workmen, and other extractive industries employees is used as a weapon of intimidation by business forces occupying our territories and defiling our Pacific Indigenous peoples’ self-determination.

OECD guidelines are not complied with, nor are basic tenets of Human and Indigenous Rights and needs for cultural and human survival such as land security, fresh water and foods and continuation of traditional practices. Businesses are not held accountable for genocide, cultural genocide, war crimes or crimes against humanity in the context of extractive industries, however we the Indigenous Peoples of the Pacific are victims of all of these crimes at the hands of extractive industries. UN Special Representative of the Secretary-General on Sexual Violence in Conflict, Ms. Zainab Hawa Bangura, has stated that “Sexual violence in conflict needs to be treated as the war crime.”, and the UN Security Council has stated that “women and girls are particularly targeted as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.”

General Comment No. 14 on the International Covenant of Economic, Social and Cultural Rights issued by the ICESCR Committee in 2000 states, Article 12(4) states that “the right to health embraces a wide range of socio-economic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as...a healthy environment” and “any person or group victim of a violation of the right to health should have access to effective judicial or other appropriate remedies at both national and international levels and should be entitled to adequate reparation.

We seek the right to begin to heal from the atrocities committed against us by extractive industries and the States that align with them, however how can we become healed and healthy again, when the atrocities have never ended? For this we reference Articles 24 and 43 of the UNDRIP, as well as the wisdom of our own sacred ways, peoples and lands.

Thank you