

5th Session of the Permanent Forum on Indigenous Issues
May 15-26, 2005 (New York)

Agenda Item 4e: Ongoing priorities and themes: "Free prior and informed consent"

Madame Chairperson,
Distinguished members of the Permanent Forum,
UN Agencies,
My Fellow Indigenous Sisters and Brothers,

On behalf of Ka Lahui Hawai'i, a native initiative for Hawaiian self-determination, I would like to acknowledge the Haudenoshone, the true and traditional owners of the land on which we are meeting today. My name is Malia Leilehua Kipapa and I am from Keaukaha, Hawai'i.

Recommendations:

1. **Recommend** that the Permanent Forum call for the immediate adoption of the Draft Declaration on the Rights of Indigenous Peoples;
2. **Recommend** that Hawai'i be re-inscribed, on the United Nations List of Non-Self-Governing Territories. And further, advise the UN Decolonization Committee to assist these territories to be fully provided the decolonization and self-determination processes and mechanisms of the UN;
3. **Recommend** that the Permanent Forum support the immediate adoption of the declaration on the rights of indigenous people
4. **Recommend** that the Permanent Forum urge the colonial government of the United States to withdraw its military from our country and to immediately cease and desist in its live fire maneuvers in the Hawaiian archipelago;

These are some of the most prominent issues that deal with the negligent land use by the U.S. Military. Makua Valley for example is a sacred and significant spiritual place for all Native Hawaiian people has been used for military training dating back to 1920 and till this day is used continually for live-fire training. The military lease 4,856 acres of land for one dollar a year, under a 65-year lease that expires in the year 2029.

Earlier this year of 2006 a Stryker Brigade was recently approved in the Hawaiian Archipelago entailing a large US military land grab of 25,000 acres of land. This land grab will contribute to the destruction of Native Hawaiian cultural sites and endangered species. Involving the release of toxic nuclear contaminants into the environment directing affecting the air, land, and water. Makua Valley and Pohakuloa are two of the largest land parcels being used for live-fire training. 291 urban assault tanks will be transported to Hawai'i along with military families, creating urban sprawl in

less developed areas throughout the Hawaiian archipelago.

In addition the University of Hawai'i at Manoa is a public educational institution on Native Hawaiian ceded lands. The U.S. Navy wants to turn this public institute into a secret military center called the "University Affiliated Research Center" or "UARC". This negotiation would allow the military to issue orders for secret research to be done by UH scientists. The disclosure of evidential data on secret research is not required, however this is a public educational system, therefore, the effects of these operations taking place on campus would be unknown. This change will make this university a potential worldwide target due to the activities being carried out.

With no reservations, the U.S military significantly continue to toxify, exploit, contaminate, and desecrate our lands. Moreover, diminish our natural resources. Our streams are polluted, our waters are toxic, and our lands are being developed at rapid rates due to military expansion in the Hawaiian archipelago.

- 5. Recommend that the Permanent Forum strongly show recognition of the importance of protecting and preserving Native Hawaiian ancestral remains; in addition acknowledge and allow Native Hawaiian burial practitioners to carry out the proper ceremonial protocols for the return and re-burial of native ancestral remains;**

The process of repatriation and reinterred of Na 'Iwi Kupuna or ancestral remains (skulls, bones, and sacred objects) is a very important issue amongst Native Hawaiians. The responsibility of Iwi is very sacred to Native Hawaiian people. We as Native Hawaiian people have strict protocols in preparation of the re-burial of ancestral remains, for the reasons of respecting our Kupuna (elders) and to allow them to be buried in their original resting place.

A recent example pertaining to ancestral remains in Hawai'i dealt with the re-burial of 83 ancestral remains and items borrowed from Bishop Museum. This issue involved a numerous amount of individual groups that shared equal rights to these 83 ancestral remains displayed and held at the Bishop Museum. Towards the later part of the year in 2005 a Native Hawaiian group called "Hui Malama I Na Kupuna O Hawai'i nei", re buried the items in its original cave site. For this stance in this situation Halealoha Ayau, the leader of this group was taken to federal court where he was charged for not disclosing information about the exact location of the artifacts. Culturally Native Hawaiians believe that 'Iwi (bones) are very sacred and has Mana (spiritual power) and should be respected and returned, not tampered with and placed in museums for everyone to see.

- 6. Recommend that the Permanent Forum urge that the free, and full prior consent from Native Hawaiians be enforced before any research or tests on Genetically Modified Organisms (GMO's) be done on Native Hawaiian plants or animals;**

GMO patents is a very important issue that Native Hawaiians are fighting for today because of a GMO patent that was placed on a number of Native Hawaiian Kalo or Taro species. Hybrids were made using the following Native Hawaiian varieties of Kalo, Pa Lehua, Pa'akala, and Pauakea. The Kalo has significant cultural meaning to Native Hawaiians because this plant signifies our ancestor, Haloa. Showing that Kalo is owned by a single organization due to a patent is very inconceivable given its inherent value to the Native Hawaiian community. These patents give sole ownership of these Kalo hybrids to the University of Hawai'i.

7. **Recommend that the Permanent Forum to advocate for some IFAD- funded projects for Native Hawaiians in Hawai'i by providing legal advice to beneficiaries on such subjects as land, human, and gender rights, and natural resource management.**
8. **Recommend that the Permanent Forum support all initiatives affecting the lives of indigenous peoples, which require their early and sustained input to ensure that initiatives respond to their priorities, be in consonance with their culture and cosmogony and reflect their choices of development.**

In closing, Madame Chairperson, we ask for your consideration and assistance of the recommendations outlined above for the free prior and informed consent issue amongst Native Hawaiians.

Mahalo, (Thank You), Madame Chairperson, distinguished members of the Permanent Forum, UN Agencies, and my fellow Indigenous Sisters and Brothers.

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