

United Nations Permanent Forum on Indigenous Issues  
Eleventh Session-May 7-18, 2012 United Nations Headquarters, New York, NY

Intervention of the Pacific Caucus  
Agenda Item 4 Human Rights  
Written by S. C. Kaāhiki Solis [Sheleigh@hawaii.edu](mailto:Sheleigh@hawaii.edu)

Aloha kākou to the Haudenosaunee, the original inhabitants of this land. Chairmen High Chief Edward John, and members of the Permanent Forum on Indigenous Issues.

We have four recommendations:

1. We ask the Special Rapporteur for Indigenous Peoples, James Anaya, to investigate human rights violations committed against the Indigenous Peoples of the Pacific Region.
2. We call upon the United Nations Permanent Forum to urge all States to work with Indigenous Peoples and National Human Rights Institutions to ensure the full implementation and the legal application of the Declaration of the Rights of Indigenous Peoples and recognize our human rights and fundamental freedoms to Self-Determination and self-governance.
3. We ask the Permanent Forum to 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 and that current use of these lands, such as for military appropriation, industrial or mining purposes, requires the free, prior and informed consent of those First Nation Peoples.
4. We ask the United Nations Economic and Social Council to investigate nations of the Pacific region that may be assessed as non-self-governing territories and that these territories be considered by the Special Committee on Decolonization to develop processes and timeframes, in conjunction with the First Nation Peoples, and in specific situations such as Rapa Nui and Hawaii.

Mr. Chairman, Indigenous Peoples have rich and diverse cultures based on a profound relationship with our land and natural resources. We do not see ourselves outside of the realm of nature, but as a part of nature. Land is the basis for culture, identity, and the very lives of Indigenous Peoples. Article 25 of the United Nations Declaration on the Rights of Indigenous Peoples asserts that Indigenous Peoples have the right maintain and strengthen our distinctive spiritual relationship to our lands, water and to uphold our responsibilities for future generations. It is an egregious act when States violate the rights asserted by the United Nations Declaration on the Rights of Indigenous Peoples.

In Hawai'i, the misuse of traditional lands due to depleted uranium contamination has been found on the islands of Oahu, Kauai, and Hawaii.<sup>1</sup> A most recent discovery by the United States Environmental Protection Agency of the toxic compound called Perchloroethylene or Perc on the island of Oahu's Wahiawā aquifer and three other sites is a likely human carcinogen.<sup>2</sup>

The Obama administration recently announced the movement of 9000 Marines from Okinawa, Japan to other bases in the Western Pacific located in; Hawaii, Guam, and Australia. 2700 of these will be stationed in Hawai'i. Hawaii represents a fraction of one per cent of the United States land area and has just 1.37 million people, but is home to 119 total military sites, making Hawaii effectively a giant floating military garrison from which troops and military hardware are dispatched around the world.<sup>3</sup>

Number two of the top ten polluters in the Hawaiian archipelago according to the Environmental Protection agency are jointly the United States Navy and Airforce Facility Pearl Harbor-Hickam with 429,761 pounds of pollutants classified as PBTs or persistent, bioaccumulative and toxic chemicals. Both categories include lead.<sup>4</sup> The EPA also ranked number nine of the top ten polluters in Hawaii as the United States Army Training Center at Pōhakuloa, on Hawaii Island with 96,397 pounds of toxic chemicals reported.

In New Caledonia pollution from SLN ERAMET, a large nickel extraction company, is dumping large quantities of waste and red mud into the ocean and the region's largest lagoon area, which is classified as a UNESCO World Heritage Site. While in the territories belonging to the Thio, Kouaoua, Wawilu and Poum, among others, are forced to endure the serious ramifications to their health and their ability to sustain themselves. The Kanaky Peoples depend entirely on the farming and fishing to survive. These are just a few of many examples throughout the Pacific region of the impact on our peoples of a lack of recognized title to our traditional lands and a failure to honor the free, prior and informed consent of the First Nation Peoples on the use of their lands.

Self-determination and self-governance are fundamental human rights affirmed in articles 1-6, 9, 18, 19, 20 and 23 of the Declaration on the Rights of Indigenous Peoples. Our first nation communities are forced to live in entrenched poverty, often homeless, our people are incarcerated, our children are stolen, our boys are taken to fight the colonizers wars, while the dispossession from our lands continues through the colonizers imposed court systems. Access to adequate health care is denied, as communities struggle with introduced maladies such as diabetes, renal failure and the aids pandemic that is decimating the communities of West Papua. We are not the beneficiaries of the wealth of our nations, it is being stripped from us as a result of colonization and exploitation from multinational companies.

---

<sup>1</sup> [www.dmzhawaii.org](http://www.dmzhawaii.org), 3-5-2012

<sup>2</sup> <http://epa.gov/oppt/existingchemicals/pub/perchloroethylene>.

<sup>3</sup> By Jon Letman | Aljazeera – Wed, Apr 25, 2012

<sup>4</sup> John Burnett. *HELCO, PTA top polluters*. Hawaii Tribune Herald. Hilo Hawaii. January 5, 2012.

In addition, while our Pacific Islands are rich in both traditional and commodity resources, we are denied the ability to define our own trade and resource management with partners of our choosing. New regional trade agreements like the Trans-Pacific Partnership Agreement are currently being negotiated without our input. These agreements will greatly impact our environmental resources by subjecting us to the legal jurisdiction of new investor-state conditions that do not protect us from foreign investor regimes. For example, since Chile ratified the TPPA in 2005, Rapa Nui has been fighting a tidal wave of development proposals for mining projects, airfields, ports, casinos, and hotels. These projects, which would irreparably change a UN World Heritage site, primarily benefit the Chilean government and the investment regime.

While a number of Pacific Nations are currently listed as non-self-governing territories by the Special Committee on Decolonization, such as Guam, American Samoa and New Caledonia, these territories have not progressed through to the decolonization stage. Other nations in the region, such as West Papua and Rapa Nui, wish to be assessed for listing as a non-self-governing territory, while Hawaii also seeks relisting. The Special Committee on Decolonization has been established by the General Assembly to address these issues and needs to revisit its applicability to the nations of the Pacific region with processes and timelines established to ensure its implementation. Decolonization and independence does not necessarily mean a separation from the colonizing powers but a system of realignment negotiated by the first nation peoples that allows them to regain their freedom, and to have dignity in a sustainable future.

We the Indigenous Peoples of the Pacific humbly implore the United Nations Permanent Forum to address these issues so that we may live in harmony with our land once again as our ancestors have since time immemorial.

Mahalo. Thank you.