

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

AGENDA ITEM 9: Analysis of the duty of the State to protect Indigenous Peoples affected by transnational corporations and other business enterprises

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Intervention of the Pacific Caucus; Loren Pabila, speaker (kuahiwe@gmail.com)

Endorsed by:  
International Indian Treaty Council  
Indigenous Network on Economics and Trade

Subject: APEC/transnational corporations' effects on Indigenous Peoples and suggested future work

UNDRIP articles: 8, 10, 25, 26, 27, 28, and 30

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Aloha mai kakou. My name is Loren Kuahiwe Pabila and I am from the island of Keawe in the archipelago of Hawai'i.

Greetings to the indigenous inhabitants of this land, greetings to Chairman Grand Chief Edward John, and members of the Permanent Forum on Indigenous Issues. Today, I represent the voices of the Pacific Caucus. I will be addressing two topics: Transnational Corporations and the Future Work of the Permanent Forum. First, I would like to present our overall recommendations.

The Pacific Caucus proposes five recommendations:

1. We ask that the Special Rapporteur for Indigenous Peoples, James Anaya, and Special Rapporteur for Human Rights and Transnational Corporations, John Ruggie, form a special committee to investigate documented infringements of indigenous rights by the Asian-Pacific Economic Cooperation (APEC) and other transnational entities.
2. We call for the UNPFII to recommend that an agenda item for the World Indigenous Peoples Conference 2014 be the impacts of globalization and transnational corporations.
3. The Pacific Caucus finds it prudent to continue dialogue on the issue of decolonization and therefore recommend that it be the theme of the World Conference of Indigenous Peoples in 2014.
4. We also would like the World Conference on Indigenous Peoples to consider the topic of oceans as a theme, as this item is of utmost importance to many in the Pacific region.

5. We also ask that Hawai'i be re-inscribed onto the list of non-self-governing territories.

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#### **TRANSNATIONAL CORPORATIONS**

From November 7-13, 2011, United States President Barack Obama hosted the 19<sup>th</sup> annual APEC Economic Leaders' Meeting on the island of O'ahu. The stated missions of APEC are to: "champion free trade and open trade investment"; "facilitate a favorable business environment"; and to establish a Pacific "free trade zone." In fact, President Obama has stated publicly that there is no region more vital to economic progress than the Asia-Pacific region. Further, he has already articulated the broad outlines of an agreement to create a transpacific trade zone, which would encompass the United States and eight other nations.

However, not distributed as broadly to the public were the tensions felt by Indigenous Peoples as APEC convened. A potential effect on the Hawaiian people under the trade policies advocated by APEC include, but are not limited to, Hawai'i procurement laws. APEC pursues profit by circumventing environmental, labor, and national laws and regulations. APEC has a history of blatant disregard for Indigenous Peoples' rights, for example: land rights issues of the Mapuche in Chile, mining in Indonesia and with the fisheries in Aotearoa. These rights are expressly stated in the United Nations Declaration on the Rights of Indigenous Peoples, Article 3: "Indigenous peoples have the right of self-determination. By virtue of that right, they are free to determine their political status and free to pursue their economic, social and cultural development." Even so, the threat of this conglomeration's economic sanctions on independent states has undermined the international and domestic legal processes set in place to ensure fair and responsible actions, as well as protection.

The greatest potential detrimental effect of APEC and other transnational entities includes the obliteration of indigenous identities through marginalization and assimilation, thereby reversing the trend of bringing Indigenous Peoples into the forefront of the public consciousness. The power that these multinational corporations wield is far-reaching. The gluttony of economics has taken precedence over tact and respect for indigenous and human rights. We believe that our human rights supersede corporate benefit.

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#### **FUTURE WORK OF THE FORUM**

##### **Decolonization**

The Pacific Caucus thanks the Forum for the opportunity to speak on the Doctrine of Discovery and its effects on the world's Indigenous Peoples. This newfound inertia should be utilized to perpetuate this dialogue and create other dialogues that promote the well-being of Indigenous Peoples.

Therefore, under the mandate of Economic and Social Development, the Pacific Caucus and the Indigenous Peoples and Nations Coalition call upon the Permanent Forum on Indigenous Issues to urge the U.N. to persist in rectifying the damage caused by Doctrine of Discovery:

- Convene the Expert Seminar on Decolonization;
- Call upon the Permanent Forum on Indigenous Issues to request that the Committee on the Elimination of Racial Discrimination and the Human Rights Committee to receive and to transmit Petitions from Indigenous Peoples formerly listed as non-self governing Territories under Article 73 of the Charter of the United Nations to the United Nations General Assembly and to the Decolonization Committee with an invitation from the petitioning representatives of the Indigenous Peoples and Organizations to address the claims of flagrant violations and irregularities in the examination of their cases and situations to review the cases with a view to sending these Petitions back to the treaty bodies for further examination for discrimination or violations of international law in accordance with the respective Conventions;
- Revive the U.N.'s original purpose to engender self-determination through the process of de-colonization in repudiation of the Doctrine of Discovery.

### **Transnational Corporations**

Also under this mandate, the Pacific Caucus would like to recommend that talks about Transnational Corporations continue. Only through a global dialogue, will we be able to shed light on this potential threat to indigenous well-being.

### **Oceans**

Under the mandate of Environment, the Pacific Caucus asks that the Permanent Forum have a dialogue on the topic of Oceans.

The Pacific Ocean is home to an innumerable amount of low-lying atolls and islands, which are home to many of us participating in this caucus. However, due to the rising of ocean levels, there is potential for increased dislocation of Pacific peoples from their homelands. Island nations, such as Tuvalu, are facing this presently and are struggling to cope with the detrimental effects of relocation and loss of culture, in addition to the loss of their homeland. We encourage the UNPFII to promote oceans as another viable and pressing topic of the World Conference of Indigenous Peoples in 2014.

Thank you for the opportunity to present this intervention on behalf of my brothers and sisters of the Pacific.