

**Permanent Forum on Indigenous Issues**

**Fourteenth session**

New York, 20 April-1 May 2015

April 21, 2015

Agenda Item 4

Collective Intervention of International Indigenous Womens Forum on the Pacific

Madam Chair, distinguished members of United Nations Permanent Forum on Indigenous Issues, States, United Nations Agencies, indigenous leaders, ladies and gentlemen. We, indigenous women from the Pacific, are pleased that the UNPFII devoted half day discussion on the Pacific.

***This intervention covers three main areas:***

- 1. The impact of extractive industries on the peoples of the Pacific, and their disproportionate impact on Pacific women***
- 2. The principle of self-determination of indigenous peoples non respected by States***
- 3. The continued legacy of colonisation which manifests itself cultural degradation and intra-cultural conflict and lateral violence***

**Item 1: The Impact of Extractive Industries on the Peoples of the Pacific**

The Indigenous Peoples of the Pacific continue to be deeply and irreversibly affected by the devastating impact of extractive industries on their lands, territories and resources, and on their communities and culture. The impact of multinational mining corporations is out of control; and is being permitted and encouraged by colonial governments across the Pacific.

Recalling the recommendation para 17 of the 8<sup>th</sup> Session of the Permanent Forum<sup>1</sup> we urge the Permanent Forum to condemn the process by which states are permitting and encouraging activities on traditional lands of indigenous peoples without consultation; and ask that the Permanent Forum remind State parties of their obligation to seek free, prior and informed consent from indigenous peoples over matters affecting their rights and their lands and territories.

Furthermore we request the Permanent Forum to recommend to the States to include in national legislation the principle of free prior and informed consent including the right to deny it, and develop in coordination with indigenous organizations efficient mechanisms to implement this principle.

**Item 2: The principle of self-determination of indigenous peoples non-respected by States**

Colonial states continue to ignore and negatively impact on the self determination of indigenous peoples. This is seen throughout the Pacific. Currently the Australian government is proposing to “shut down” 150 out of 274 remote Aboriginal communities purportedly on the basis that they are not economically viable. This is imminent. This has been a complete unilateral decision by the Australian government. This will have a devastating and genocidal effect on these communities, and completely ignores and violates our inherent rights to our self-determination. This decision by the Australian government is

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<sup>1</sup> *The Permanent Forum supports the recommendations of the international expert group meeting on extractive industries, indigenous peoples’ rights and corporate social responsibility addressed to extractive industry corporations, States, United Nations agencies, funds and programmes, indigenous peoples, nations and organizations, and international financial institutions, contained in a paper presented to the Forum.*

completely inconsistent with the rights recognised by the Declaration of the Rights of Indigenous Peoples. It is forced removal, forced relocation, forced 'assimilation' into urban or suburban settings; a double edged sword for Aboriginal peoples as it was colonisation itself that (after erroneously declaring Australia terra nullius) then relocated Aboriginal peoples out to remote settlements to make way for the illegal and non-consensual acquisition of their territories.

Recalling the recommendation para 18 of the 13<sup>th</sup> session of the Permanent Forum<sup>2</sup> we request the Permanent Forum to reiterate this statement, and recommend to State parties to respect the inherent and inalienable rights of indigenous peoples and their constituent populations, under international law, such as the United Nations Charter, the Universal Declaration on Human Rights, and within the International Covenant on Civil and Political Rights, to which Australia, New Zealand, Chile, Indonesia, France and the United States of America are all parties (as the colonising governments currently present within the Pacific).

'The rights of indigenous peoples must not be empty rights'<sup>3</sup>. We know in these situations indigenous women and children suffer disproportionately.

We urge the Permanent Forum to follow up on the implementation of its recommendation at paragraph 34 of EGM on good governance report which urged United Nations agencies "to convene a high-level meeting with representatives of indigenous women to review the commitments and actions for securing the human rights of indigenous women highlighted in articles 21, 22 and 41 of the Declaration" as this, to our knowledge, has not occurred to date.

**Item 3: The continued legacy of colonisation which manifests itself in cultural degradation and intra-cultural conflict and lateral violence**

The systematic and sustained policies employed by colonial governments across the Pacific are well documented to have had a devastating impact upon our indigenous communities. Colonial governments have deconstructed our cultural structures, and undermined our cultural laws and political systems. The net effect of this, over many generations, has been the dismantling of our traditional social rules and norms that delicately balanced harmony within our communities according to ancestral law. This has had a flow on effect, and the most vulnerable members of our communities are now our women, our elderly and our children. Each of these groups are disproportionately represented in domestic violence statistics.

We note that the *Commission on the Status of Women at its Fifty-seventh session*<sup>4</sup> acknowledged the important role in the prevention and elimination of discrimination and violence against women and girls played by regional conventions; we note with disappointment however that there is still no recognition within the Pacific of the vulnerable position indigenous women are in, and the fact that their rights are under constant threat with very little, if any, structural support to assist them.

We request to Permanent Forum to recommend to the Commission on the Status of Women to consider the issue of the empowerment of indigenous women at its sixty-first session in

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<sup>2</sup> *The Declaration affirms that indigenous peoples and individuals have the "right not to be subjected to forced assimilation or destruction of their culture" (art. 8(1)). In this regard, States have a duty to provide effective mechanisms for the prevention of, and redress for, any action which has the aim or effect of "depriving them of their integrity as distinct peoples, or of their cultural values" or "dispossessing them of their lands, territories and resources" (art. 8(2)). The Special Rapporteur stated in paragraph 45 of his report (A/64/338) that the Declaration also affirms that indigenous peoples have the right to cultural integrity, "including cultural and spiritual objects, languages and other cultural expressions"29 which is intimately linked to their lands, territories and resources. The study by the Expert Mechanism on the Rights of Indigenous Peoples states, in its advice No. 5 (see A/HRC/24/50, annex), that the Declaration "affirms the right to the integrity of their lands and territories" (arts. 25-32), which includes protection of the environment.*

<sup>3</sup> UNFII Thirteenth session (12-23 May 2014)

<sup>4</sup> *Under Agenda item 3 Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century*

2017 on the occasion of the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples<sup>5</sup>.

Finally, we strongly request to the Permanent Forum to acknowledge that indigenous women occupy a unique place within indigenous communities, and the impact of colonisation has have a devastating impact on indigenous women and indigenous family structures.

We urge the Permanent Forum to dedicate a special session to the issues of violence against Indigenous Women and Children; and that a study be undertaken in advance in consultation with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on the rights of indigenous peoples and indigenous women organization.

Indigenous women from the Pacific region, we reaffirm our commitment to follow up the implementation of the recommendations adopted by the Permanent Forum and the articles of the Declaration on the Rights of Indigenous Peoples.

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<sup>5</sup> A/RES/69/2, 19