

United Nations Permanent Forum on Indigenous Issues 14th session, April 20 – May 1, 2014
Agenda Item 4: Half-Day Discussion on the Pacific Region

Statement Submitted by the International Indian Treaty Council (IITC) and its affiliates in the Pacific including the Nation of Hawaii, Presented by Carl Hutchby, Te Pae Pae Arahi Trust, Aotearoa

Thank you (Madame/Mr.) Chair

The Indigenous People of Hawaii (Kanaka Maoli) and their supporters continue to protest the desecration of Mauna Kea Sacred Mountain located on the Big Island of Hawaii. They are committed to block development of the Thirty Meter Telescope (TMC) project by the Thirty Meter International Observatory (TIO), Goodfellow Bros, the University of Hawai'i (UH), the Office of Mauna Kea Management, the University of Hawai'i at Hilo, and the Hawai'i State Department of Land and Natural Resources (DLNR). The University of California, California Institute of Technology, National Astronomical Observatories of China and Japan and other international institutions are also providing funding for the project which plans to construct an 18-story high industrial complex telescope, the largest in the world. Thirteen other telescopes currently are located on Mauna Kea.

Thirty-one defenders, including elders, protesting the development were arrested on April 2, 2015.

The IITC joins the Nation of Hawaii in calling the desecration of Mauna Kea a violation of international law. The United States has illegally occupied Hawaii since 1893 and annexed it as a State in 1959 in violation of its 1826 Peace and Friendship Treaty with the Hawaiian Kingdom. The US continues to claim jurisdiction over the Hawaiian Islands, but has failed to uphold its international obligations to respect the human rights of the Hawaiian People which include preventing the desecration of sacred sites and areas.

In 2014, in their reviews of US compliance, two international treaty monitoring bodies to which the US is legally accountable called upon the US to take stronger measures to protect Indigenous Peoples' sacred areas. The United Nation Human Rights Committee which monitors compliance with the Covenant on Civil and Political Rights, in its March 28th, 2014 Concluding Observations regarding the US, expressed its concern *"about the insufficient measures being taken to protect the sacred areas of indigenous peoples against desecration, contamination and destruction as a result of urbanization, extractive industries, industrial development, tourism and toxic contamination."* The Committee on the Elimination of Racial Discrimination (CERD), the Treaty Monitoring body for the International Convention on the Elimination of all forms of Racial Discrimination, in its Concluding Observations issued on August 29th, 2014 called for the US to *"Adopt concrete measures to effectively protect the sacred sites of indigenous peoples..."*

The protests will continue as long as the plans for this development move forward. Nation of Hawaii Head of State Pu'uuhonua Bumpy Kanahale affirms that the only long term solution to this and others cases of sacred sites desecration in Hawaii is to restore the National Sovereignty and implement the full rights of Self-Determination and Governance for the Hawaiian People: "The Nation of Hawaii stands in full support of the frontline action to stop the cultural genocide of Mauna Kea. But in my opinion, the only solution that will stop the construction of the TMT and ongoing desecration of Mauna Kea is to form a Provisional Government of National Unity

(PGNU) immediately, a Hawaiian government with all the powers of an independent state. Under public law 103-150, the "Apology Law", section 1, (5) the Hawaiian government could call upon the President of the United State of America to reopen the Peace Treaty with the U.S. that continues to be violated".

IITC and the Nation of Hawaii call upon the 14th Session of the United Nations Permanent Forum on Indigenous Issues meeting from April 20th through May 1st 2015 to address this urgent situation in its report and recommendations submitted to the UN Economic and Social Council and to address in its next session the impacts of colorization including the continued desecration and destruction of sacred sites and areas in the Pacific region.

Thank you.