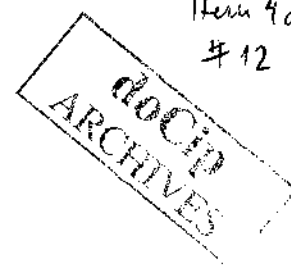


United Nations  
Economic and Social Council  
Permanent Forum on Indigenous Issues  
Third Session  
May 10-21, 2004



COLLECTIVE STATEMENT OF INDIGENOUS PEOPLES OF  
THE PACIFIC REGION  
**AGENDA ITEM 4 (D): HUMAN RIGHTS**

Agreeing Organizations:

Kamakakuokalani Center for Hawaiian Studies  
Ka Lahui Hawai'i  
Na Koa Ikaika o Ka Lahui Hawai'i  
'Ilio'ulaokalani Foundation  
Prince Kuhio Hawaiian Civic Club  
Presentation Association  
Koani Foundation  
Controlled Organizations  
Te Rapunga o Poutama  
Bureau of Consultation for West Papua  
National Aboriginal Community

Rapa Nui Parliament  
Te Runanga o Ngai Tahu  
Ngati Tuwharetoa  
Aboriginal and Torres Strait  
Islander Commission (ATSIC)  
Foundation for Aboriginal and  
Islander Research (FAIRA)  
National Association of  
Community Legal Centres  
Bangsa Adat Alifuru  
World Council of Churches  
(Australia)

This Pacific Caucus statement represents 19 organizations joining together from our region, and we begin with thanks to you Mr. Chair, Professor Maaga, and to our representative from the Pacific Mililani Trask, and other members of the Permanent Forum, who have worked so tirelessly on behalf of human rights for Indigenous Peoples.

We, the Indigenous Peoples of the Pacific, call for the immediate adoption of the Draft Declaration on the Rights of Indigenous Peoples, which has been languishing these past ten years. Since we Indigenous Peoples of the Pacific are still being denied the most basic human rights, those of self-determination, of control of land, of peace and security, of freedom from ethnocide, from cultural genocide, and are suffering the most abject poverty because of lack of these basic human rights, we call for the United Nations to extend the Decade of Indigenous Peoples for another 10 years, in order that the work may be accomplished.

**I. URGENT ISSUES**

We are most concerned about the dire situation and loss of life in Maluku with the recent massacres of Indigenous Women and Children by Indonesian military forces. We ask that the PFII request the UN Security Council to immediately investigate the situation in Maluku in order stop the killing there.

U. Corso

S. J. J.

We are equally concerned with the grave state of affairs in Aotearoa where the New Zealand government is acting in breach of the 1840 Treaty of Waitangi, made between the Indigenous Maori people and the Crown to assure Maori customary rights, serving as a template for biculturalism in that country. Now, the actions of the New Zealand government in introducing the Foreshore and Seabed legislation will effectively extinguish all Maori customary rights in the foreshore and seabed.

We are also concerned with the increase in the American military taking of land and expansion of live fire bombing in the Hawaiian islands, most often on Indigenous Hawaiian sacred sites and ecologically fragile trust lands. Since land is the mythical Hawaiian grandmother, the U.S. military abuse of Hawaiian land is comparable to the rape of the grandmother. We ask that the PFII request that the Office of the High Commissioner on Human Rights petition the American government to withdraw its military forces from Hawai'i.

## **II. DECOLONIZATION AND THE FUNDAMENTAL RIGHT OF SELF-DETERMINATION**

The Pacific has been in the spotlight for decolonization movements, East Timor and New Caledonia among them. Many other Indigenous peoples in the Pacific are still subject to colonial powers of France, U.S., Indonesia, and Chile. There are many Indigenous territories in the Pacific Region who continue to demand their rights under the UN decolonization process available under UN General Assembly Resolutions 1514 and 1541.

There are Pacific island territories that were on the List of Non-Self-Governing Territories, such as Hawai'i and Te Ao Maohi (French Polynesia), which was removed against the true will of the peoples in contravention of the UN rules. In that case, the U.S. removed Hawai'i from the List in 1959 purporting to have provided the right of self-determination. However, only the option of integration was provided in the vote – remain a part of the US as either a territory or a state. The options of independence or free association were not provided.

There are also Pacific island territories that were never inscribed on the List, such as Rapa Nui, Maluku, and West Papua. None of these Indigenous territories have been provided independence, free association, nor integration. In the case of Rapa Nui, Chile considers the island as integrated, however, the full political right due under integration have not been provided to the peoples.

## **III. Extinguishing Indigenous Title and Rights to Lands and Waters**

There are attempts being made by the Superpower governments in the Pacific, including New Zealand, Australia, and the United States, to extinguish forever the Indigenous peoples' title to our lands and waters. Of paramount concern is the legislation pending in New Zealand Parliament to extinguish the Maori peoples rights to the foreshore and

1. The Consultation endorse and advocate for the decolonization and self-determination of Guam, Te Ao Maohi, West Papua, Rapa Nui, Hawai'i, Kanaky, Maluku and that the UN Security Council urge the PNG Government to ratify the Bougainville Constitution at hand for the establishment of the B/AVTO Government in 2005.
2. That the Consultation ask the Special Rapporteur on Indigenous Issues to investigate situations in Guam, Te Ao Maohi, West Papua for violation of Human rights.
3. We request PCRC to use its ECOSOC status to advance the issues of decolonization with the UN system including the UNHRC, the PFII, the WGIP and the UN Decolonization Committee meeting of the Commission on Human Rights in 2004 under Item 14 (Indigenous Peoples).
4. That Guam, American Samoa, Kanaky and Tonga explore other avenues than the Committee on Decolonization to exercise their rights to self-determination to establish a dialog process including Human Rights Complaint Process.
5. That the Consultation review Reports submitted by the administrative powers on Human Rights and democratic powers. If necessary submit "shadow" reports to convey the truth about the situation in each territory of the region.
6. The consultation request PFII to research and analyze the decolonization process in the Pacific in order to identify constraints and means of overcoming constraints.
7. The Consultation request PFII & PCRC to lobby the PICs to ratify the UN Human Rights Conventions and ILO 169.
8. The Consultation request PICs to ratify CEDAW and CRC and the participation of women in government processes and decision making.
9. The Consultation request PFII to highlight the issue of militarization and the effect of nuclear testing in the Pacific and elsewhere at its ordinary session 2005.
10. The Consultation calls on the Fiji government to recognize the needs of deprived indigenous landowners and to include their representatives when selecting members to the Land Tribunal Commission.
11. PFII work with Human Rights Division and PCRC to coordinate the Hrs training for IPs of the Pacific utilizing human rights from the Pacific region.

[Prepared by Lilikala Kame'eleihiwa and Le'a Kanehe in conjunction with the Pacific Caucus members]

seabed in contravention of the Treaty of Waitangi. We are similarly concerned by the news that the government of Australia has decided to terminate the work of the Aboriginal Torres Strait Islanders Commission (ATSIC). In regards to Hawai'i, the United States Congress is on the verge of passing legislation that will set in motion a 20-year ticking time bomb on the recognized rights and claims of the Kanaka Maoli peoples to their lands, waters, and sovereignty.

## **RECOMMENDATIONS**

That the Permanent Forum advise the UN Decolonization Committee to inscribe Rapa Nui, Maluku, West Papua, and re-inscribe Hawai'i, Guam, Te Ao Maohi (French Polynesia), on the 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.

We ask UN-Habitat to investigate the problems of the numerous evictions of Indigenous Peoples in the countries of Guam, Hawai'i, Kanaky, Maluku, Rapa Nui, Te Ao Maohi (French Polynesia), and West Papua.

We ask that the Special Rapporteur on Indigenous Issues investigate situations in Guam, Hawai'i, New Zealand, Te Ao Maohi, Maluku, Rapa Nui and West Papua for violation of human rights.

We urge the government of New Zealand to ensure that it complies with its international obligations to promote and protect human rights in its approach to Maori customary rights, in relation to the foreshores and seabed. Particularly, we refer to rights of Maori as Indigenous peoples to give free, prior and informed consent to any changes to their customary rights. We also urge the delegation of the New Zealand government to ensure human rights education be instituted in their country.

Because of the great poverty suffered by the Indigenous Women of the Pacific due to the illegal taking of land, we ask that all UN agencies make an annual report to the PFII on the status of Pacific Indigenous Women in each agenda category.

Finally, Indigenous peoples subject to the colonial governments and world superpowers, such as the United States, France, Australia, New Zealand, Indonesia, and Chile, demand that their treaty rights where applicable, and their rights to self-determination, and traditional and customary uses of land be upheld.

Thank you, Mr. Chair.

**Recommendations on Human Rights from the Pacific Consultation of the UN PFII on Indigenous Issues held in Nadave, Fiji on March 15-17, 2004:**