

Pacific Regional Report

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The Pacific Concerns Resource Centre is a regional indigenous movement with 200 affiliated member organisations in 33 countries and has General Consultative status with ECOSOC.

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Pacific Regional Report

Mandated by the Pacific Regional Consultation on the United Nations Permanent Forum on Indigenous Issues, held from March 15 - 17, 2004 at Nadave, Fiji, I am honoured to present this report and recommendations to this session of the United Nations Permanent Forum on Indigenous Issues.

The Pacific Regional Consultation, after having listened to indigenous issues presented under the six thematic areas and relating these to the spirit of the Universal Declaration of Human Rights, identified Human Rights as an overarching theme for all the five thematic areas; Environment, Culture, Socio-Economic Development, Health and Education.

In analyzing the indigenous concept of holistic approach to issues the Pacific Regional Consultation also saw the importance of addressing the theme of the 3rd UN Session "*Indigenous Women*" as a cross cutting human rights issue under all thematic issues.

Indigenous Peoples definition of the Pacific Indigenous World

We define our historical origins and existence as:

- Custodians of the Pacific Ocean, the islands/lands given birth to and the sky/space over the Pacific area.
- Protectors of the Pacific environment and biodiversity,
- Owners of cultural heritage and natural resources.
- Keepers of Indigenous Peoples knowledge.

As such, Pacific Indigenous Peoples are always obligated in our responsibilities to nurture and wisely use our ocean, land and environment to ensure that the future generations inherit a peaceful indigenous world, culturally secured with basic elements to life sustenance.

Indigenous issues in the Pacific context were identified under three categories of the Pacific indigenous world.

- a) Indigenous Peoples of first world nations living under colonial administrations, military invasion, occupation, annexation, integration and assimilation, such as in the case of Maluku, West Papua, Guam, Te Ao Maohi, Ka Pae'aina, Rapa Nui, Aotearoa, Aboriginal Australia, Torres Strait Islands, Bougainville, Tokelau, Pitcairn Islands, Wallis and Futuna, Northern Mariana Islands and American Samoa.
- b) Indigenous Peoples with special autonomy and relationships status with colonial administrators such as Belau, Federated States of Micronesia, Marshall Islands, Cook Islands and Niue.
- c) Indigenous Peoples of Pacific sovereign states such as Papua New Guinea, Solomon Islands, Vanuatu, Fiji, Tonga, Samoa, Kiribati and Tuvalu.

Having established this conceptual framework of addressing Indigenous Peoples issues, the following analysis were drawn from the outcome of the Consultation for presentation to the Permanent Forum.

Four following factors were identified from the outcome of the Pacific Regional Consultation, that determine the fate of Pacific Indigenous Peoples.

- ❑ Colonialism and military supremacy in its entirety.
- ❑ Imposition of inherited colonial systems.
- ❑ Imposition of foreign cultural values and commodities above indigenous values.
- ❑ Using western education as a tool to promote western values.

In exercising our responsibilities of upholding the indigenous concept of collective ownership of rights and freedom, Pacific Indigenous Peoples

are continuously in conflict with the foreign systems, values and the concept of individual rights and freedoms, which are exercised beyond collectivity with no accountability.

In relating the Pacific Indigenous issues to Articles 1 to 30 of the Universal Declaration of Human Rights and the General Assembly Resolution No.15/14 of 1960, there is clear evidence that Pacific Indigenous Peoples have been subjected to various levels of human rights abuses and violations.

These have impacted negatively on Pacific indigenous environment, our cultural integrity, our socio-economic status, our health status and the knowledge transfer.

This provoked us to seriously question the political role of the United Nations, especially in monitoring the implementation of international human rights instruments at state level and the compliance of human rights mechanisms by United Nations committees and agencies assigned with responsibilities of Indigenous Peoples under colonial administration.

The Universal Declaration of Human Rights states that:

"All human beings are born with equal and inalienable rights and freedoms. The United Nations is committed to upholding, promoting, and protecting the human rights of every individual. This commitment stems from the United Nations Charter, which reaffirms the faith of peoples of the world in fundamental human rights and in the dignity and worth of the human person".

General Assembly Resolution No.15/14 of 1960

The General Assembly Resolution No.15/14 of 1960 declares that:

1. This objection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the charter of the United Nations and is an impediment to the promotion of world peace and cooperation.
2. All peoples have the right to self-determination, by virtue of that right; they freely determine their political status and freely pursue their economic, social and cultural development.
3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.
4. All armed actions or repressive measures of all kinds directed against independent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.
5. Immediate steps shall be taken in trust and non self-governing territories or all other territories which have not yet attained independence to transfer all powers to the peoples of those territories without any conditions or reservations in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.
6. Any attempt at a partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.
7. All states shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present declaration on the basis of equality, non-interference in the internal affairs of all states and respect for the sovereign rights of all peoples and their territorial integrity.

The UN Special Committee on Decolonisation

In 1961, the General Assembly created a Special Committee on Decolonisation, which has become the focal point for the implementation for the Declaration on Decolonisation. The Committee, also known as the Committee of 24, reviews the political, economic and social situation in the 16 countries listed on the United Nations list as non-self governing territories.

One clear example is the Special Committee on Decolonisation, which has become in-effective in the past 10 years in exercising the important role it is vested with. While the administering powers and the Committee members conspire among themselves and manipulate the Committee for their own interests, indigenous peoples in Timor L'est, West Papua, Te Ao Maohi and Maluku pay the price of collective rights to self-determination and freedom with their own lives. The Pacific and the Caribbean regions remain the host of remaining colonial territories on this planet.

This is why many countries under colonial administrations have taken their case to the Human Rights Commission and now, the Permanent Forum on Indigenous Issues.

Within the broader context of the Second Decade to Eradicate Colonialism, which is outside the mandate of the Special Committee on Decolonisation, and in ensuring that the United Nations takes responsibility, to examine some of its own roles in the colonization process that has led to the present day human rights violations in the colonial occupied territories, the Pacific Regional Consultation makes the following recommendations for your deliberations.

Recommendations:

Human Rights

The Pacific Regional Consultation requests the Permanent Forum on Indigenous Issues to:

1. Send a Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples to visit and meet with human rights organizations in West Papua, French Polynesia, Maluku and Hawaii to document first hand incidents of human rights violations inflicted by the colonial administrations, supposedly there to protect indigenous populations.
2. Initiate dialogue with the Special Rapporteur of the Special Committee on Decolonisation on the need to re-inscript Pacific territories removed from the UN list of Non-Self-Governing Territories in 1963 such as West Papua, French Polynesia, Maluku, Ka Pae'aina and Rapa Nui, so that indigenous peoples are given equal opportunity to present their own evidence of violations of their fundamental rights to self-determination as provided for in General Assembly Resolution No.15/14.
3. Request the UN Secretary General to commission an annual preparation of 'shadow reports' by indigenous peoples, which capture the true analysis of human rights situation of indigenous peoples living under colonial occupation self determination processes in West Papua, Te Ao Maohi, Ka Pae'aina, Maluku, Rapa Nui, Aotearoa, Aboriginal Australia, Torres Strait Islands, Bougainville, Wallis and Futuna and Northern Mariana Islands.

4. Urge the UN Security Council to monitor the role of the Papua New Guinea Government in ratifying the Bougainville Constitution for the establishment of the Bougainville Government in 2005.
5. Begin a dialogue with the governments of the United Kingdom and France on their moral obligation to properly compensate radiation victims of Christmas Island, Malden Island, Moruroa and Fangataufa.
6. Review Reports submitted by the administrative powers on Human Rights and compare this with the proposed "shadow" reports' to convey the truth about the situation.
7. Request the Permanent Forum to dialogue with the Human Rights Commission to resource and coordinate Human Rights training for Indigenous Peoples of the Pacific.

Environment

The Pacific Regional Consultation in addressing the holistic view of safety environment standard as a right requests the Permanent Forum on Indigenous Issues to:

8. Request DESA to take an active role in advocating for industrial powers commitment to the Rarotonga Treaty, the Waigani Convention and the Kyoto Protocol to safeguard the rights of Pacific islands Indigenous Peoples to live in safe and secured environment without threats of military bases, toxic and plutonium wastes and sea level rise.
9. Request UNEP to constantly monitor the status and management of Persistent Organic Pollutants in Pacific Islands States.

10. Request the secretariat of the Commission on Sustainable Development to ensure that Agenda 21 of the Rio Declaration, which specifically relates to the Barbados Plan of Action and Johannesburg Declaration continue to provide the bases for the UN Review Conference on Small Islands Developing States in Mauritius.
11. Encourage UN Agencies conduct institutional and capacity building skills for indigenous peoples in the Pacific region in line with our cultural characteristics on our environmental issues.
12. Request UNIFEM to formulate a clear policy on the role of indigenous women as custodians of knowledge on biological diversity and their place in high level environmental decision-making processes.

Culture

Believing that cultural rights forms the foundation of the indigenous world, the Pacific Regional Consultation requests the Permanent Forum on Indigenous Issues to:

13. To bring to the attention of UNESCO the need to research the effects of economic globalisation on Pacific indigenous cultures.
14. Request the UNESCO, UNDP and WIPO to create a 'special fund' to assist representatives of Pacific indigenous communities to document their "indigenous cultures" to preserve cultural history, protect cultural knowledge/identity against foreign influence, and for education and training. Such undertaking should be done with proper consultation process and respect the wishes of those who may not wish their cultural history to be documented. Documentation of indigenous cultures to include: Creation story; Belief - systems and

spirituality; Indigenous philosophy, ideologies; Natural laws/customary laws/ protocols; Science/technologies, engineering; Governance, Economics, Health, Education, Justice; Inventions/Inventors; Security and war fares; Languages and dialects; and Traditional knowledge on "biodiversity".

Health

In addressing the right to healthy living and wellness, the Pacific Regional Consultation requests the Permanent Forum on Indigenous Issues to:

15. Request the World Health Organisation to analyse numerous alternative medicine, foods and lifestyle in supporting Pacific Indigenous Peoples efforts in trying to prevent the risks and incidence of HIV/AIDS.
16. Request the World Health Organisation to carry out specific radiation surveys on nuclear radiation survivors in Marshall Islands, Fiji, Kiribati and French Polynesia to establish the appropriate treatment needed for their complicated health issues.
17. Request the World Health Organisation and UNIFEM to formulate as a matter of priority, clear policy guideline to prevent maternal and child mortality in indigenous communities and constantly monitor the health status of indigenous women in colonial occupied territories of the Pacific.

Education

In recognising education and knowledge transfer as a basic right, the Pacific Regional Consultation requests the Permanent Forum on Indigenous Issues request the UNESCO to:

18. Work in conjunction with indigenous educators of the Pacific to promote Indigenous Immersion School System of learning. This system is based on developing a curriculum based on indigenous culture and knowledge for early childhood up to university level. The curriculum to be taught in the mother tongue.
19. Fund a research project on indigenous knowledge paradigms and psychologies, which can be applied in indigenous teaching/methodologies for the education of indigenous children and youth.
20. Provide twice a year referred journal for indigenous peoples of the Pacific to publish their concerns, research, and experiences. (Each publication could focus on a particular theme e.g. "Immersion Schools".
21. Explore with Pacific member states the concept and framework for the establishment of National Indigenous Centre for Empowerment or National Institute for Coordinating the Empowerment of Indigenous People

Socio-Economic Development

Bearing in mind that individuals and communities have the right to access socio-economic resources for self-sufficiency, the Pacific Regional Consultation requests the Permanent Forum on Indigenous Issues to:

22. Request the UNDP and UNCTAD to provide funds to assist indigenous people's organizations to document Pacific indigenous economic systems for presentation at the first Pacific Indigenous Trade Forum in 2006.

23. Request the UNDP to compile an inventory of Pacific countries natural resource-base and their status.
24. Request the World Bank to conduct training for indigenous peoples in the Pacific on how to access and account for the Small Grant Programme and the World Bank Grant Facility.
25. Request the UNDP Pacific Office to undertake small business training capacity building and technological assistance for indigenous small business development.