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**Seventh Session of the United Nations Permanent Forum on
Indigenous Issues – April 2008 – New York, NY**

Item # 6

Topic: Pacific

Presenter: Mililani Trask

**Collective Intervention of the Pacific & Caribbean on the United Nations
Decolonization Process**

Indigenous World Association; Na Koa Ikaika o Ka Lahui Hawaii; Koani Foundation; Foundation for Aboriginal and Islander Research Action; The Kamakakuokalani Center for Hawaiian Studies; Waikiki Hawaiian Civic Clubs; Hawaii Institute for Human Rights and Oceania; The ALDET Centre-Saint Lucia; The Self-governing Administrative Mechanism of the Indigenous People of Saint Lucia; the Caribbean Antilles Indigenous Peoples Caucus and the Diaspora; The International Indigenous Peoples Think Tank; Visages de Polynesie; Pohutu No'ano'a, HITI TAU; Pu Fenua pu Metua

Aloha Mdm. Chair & Colleagues of the Permanent Forum:

If you search the annals of international law you will find that the word "sacred" is used only once. This is in relation to the "sacred trust obligation" which Administering States have to the "inhabitants of the (non-self-governing) territories" under Article 73 of the United Nations Charter. This "sacred obligation" is owed to millions of indigenous peoples who reside in the Pacific and Caribbean and who, under international law, are unable to express their right to self-determination and self-governance because they were placed by the United Nations on the list of "non-self governing territories (NSGT)" in the early 1940's when the United Nations was created.

The NSGT's are recognized as the old world colonies that were subjected to colonization during the era of colonial imperialism. International Law concedes that the peoples of the NSDGT's are denied the most important of all human rights, the right of self-governance. Under international law, the States that were designated to administer the NSGT's were to assist these peoples in attaining a full measure of self governance. When this was achieved, the peoples of the NSGT's were to be given the opportunity to choose the form of government they desired, including Independence. Under

international law, the territory and land base of the NSGTs is not considered to be part of the Administering State.

Since the cold war ended, only one NSGT has attained self-governance/self-determination – Timor Leste. Several NSGT's remain in a state of political disenfranchisement as "colonies" of the Administering States. These are: Guam and America Samoa (U.S.), Kanaki- New Caledonia (France), Pitcairn Island (U.K.) and the Tokelau Islands (NZ). There are also serious issues that have yet to be addressed relating to French Occupied Polynesia (France) and Hawaii and Alaska which were removed unilaterally by the U.S. in 1959. It should be noted that both the CERD and the Human Rights Commission have raised the status of Hawaii and Alaska to the United States in their respective bodies.

The Special Committee on Decolonization, which has oversight of the Decolonization process is dysfunctional and for the past 15 years has been unable to address or respond to several UNGA Resolutions. In addition, the Decolonization Committee and its Secretariat have refused to respond to requests from the CERD for data relating to racism in the territories for 19 consecutive years. During this time, and continuing until the present, the UN General Assembly and its member states have declared not one, but two International Decades to eradicate colonialism.

Colleagues of the Forum – there is no more egregious situation within the UN System than the situation relating to the failure of the United Nations to address the deprivations and human rights violations in the NSGT's.

Self-determination is the most significant human right and it is denied to millions of indigenous peoples in the Pacific and the Caribbean with the tacit approval of the UN itself.

The record reveals the following:

1. From 2002 – 2005 the UNGA passed 19 resolutions directing that specific action be taken to implement decolonization in the territories – these actions were to be taken by UN agencies (UNEP, UNDP, EAD/DPA, Electoral Affairs Division, Dept. of Political Action), the UN Secretary General, the UN Regional Economic Commission, the President of the ECO-SOC, the Chairman of the Special Committee on Decolonization, and Independent Expert and State administering agents. None of these directives have been implemented to date.
2. In 2006 the General Assembly adopted the Plan of Implementation (POI) – [A/60/853-E/2006/75 17 May 2006], to endorse an implementation strategy in 8 areas – Information, Participation, Analysis of Political and Constitutional Arrangements, Missions, Protections and Conservation as well as Ownership and Control of natural Resources, Educational Advancement, Development of Self-Government and support for NSGT's from the UN – since 2006, no action has been taken to address the POI despite its approval by the

U.N.G.A./ECO-SOC. We are submitting copies of these UN documents to the secretariat and the Forum for the review of Forum members.

For 10 years the Caribbean Community (Cari Com) States have repeatedly requested that the secretariat of the Special Committee produce reports relating to the implementation of the UN decolonization resolutions. These reports were to be prepared in behalf of the Secretary General for the General Assembly of Nations. Despite repeated requests, no reports have ever been initiated by the secretariat that specifically addresses implementation of numerous General Assembly Resolutions or the P.O.I.

During this period, the CERD has also repeatedly requested that the Special Committee and its secretariat provide information to the CERD on racism in the territories. These requests have been ignored by the Special Committee and its secretariat, and CERD reports continue to lament the fact that "only scant information" is contained in the reports sent to them by the Special Committee.

It appears that we are dealing with a situation of institutionalized racism. I say this because of evidence that the Special Committee staff have manipulated UN procedures to perpetuate this situation. For example, the POI specifically called for an Independent Expert to conduct an analysis of the existing political arrangements in the NSGT's (Mandate 3 pg. 13 – POI), this never occurred because the secretariat deleted the agenda item from the agenda in order to ensure that no Expert would be able to address and expose the true situation in the NSGT's.

The situation is so outrageous that the current policy of the Special Committee on Decolonization is referred to as a Policy of "Colonial Accommodation" by the Overseas Territories Report.

The current situation has been analyzed and assessed by Independent expert Dr. Carlyle Corbin (Mid-Term Assessment of the Level of Implementation of the Place of Action of the 2nd Internet Decade for the Eradication of Colonialism, 17 May 2005). We are providing the Forum Experts with a copy of Dr. Carlyle's report which provides significant detail on the problems and obstacles to implementing the UN decolonization process.

Members of the Forum:

- a. The UN Permanent Forum on Indigenous Issues has addressed this matter before. We direct the Forums attention to the third Forum report to the ECO-SOC contained in document E/C.19/2004/23, E/2004/43.

Recommendation number 54 (pg. 17) states:

"The Forum requests the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples undertake a study on the United Nations decolonization process and the Special Committee on Decolonization to assess its

historical and current impact on the human rights of indigenous peoples of the non-self-governing territories. Furthermore, the Forum requests the Secretary General to undertake a mid-decade review of the Second Decade on the Eradication of Colonialism to determine whether substantial progress has been made in achieving the goals of the Second Decade and to identify proposals for addressing obstacles to achieving the goals of the Second Decade.”

Forum Exerts, your recommendations are being ignored. There has been no assessment of the Mid-Decade on Decolonization made by the Secretary General, and if the Forum does not take action now, there never will be.

- b. On Dec. 14, 2006, the UN General Assembly adopted Resolution 61/128 which states in part. “The General Assembly... Requests the Special Committee to collaborate with the Permanent Forum on Indigenous Issues and the Committee on the Elimination of Racial Discrimination within the framework of their respective mandate, with the aim of exchanging information on developments in these non-self-governing territories which are reviewed by these bodies”.....[A/61/49/Vol. I pg 235]. Forum members, The Pacific indigenous peoples must request that the Forum take action to initiate the recommendations attached hereto in responding to the General Assembly’s request to this body.
- c. To date the Forum has deferred to the Special Committee. The time has come for the Forum to take the lead. To this end we request the Forum take the following action:
 1. Sponsor and expert seminar in conjunction with the CERD and the Special Committee on Decolonization to examine the impact of the UN Decolonization process on indigenous peoples of the NSGT’ which are now, or have been listed on the UN list of NSGT’s. This seminar must be under the auspices of the Forum because of existing problems with the Secretariat of the Special Committee. We request that Independent Expert Carlyle G. Corbin be included in the seminar as well as the UN Special Rapporteur on the Human Rights and Fundamental Freedoms of Indigenous Peoples. We also request that indigenous peoples of the NSGT’s and territories previously under NSGT status also be included.
 2. That the Forum utilize the Inter-Agency Support Group to begin to implement the (POI) Program of Implementation with UN Agencies, UNDP, UNEP and other agencies and specialized bodies as directed by the General Assembly.
 3. That the Forum communicate its concern for the human rights of indigenous peoples and all peoples in the NSGT’s to the UN Human Rights Council and request that the Council designate a Special Rapporteur on the Situation of the Peoples of the Non-Self-Governing Territories.

I will look forward to working with the Forum Experts on these issues.