

Human Rights Council

Expert Mechanism on the Rights of Indigenous Peoples

Fifth session, 9-13 July 2012

Agenda Item 7: Proposals to be submitted to the Human Rights Council for its consideration and approval

Statement by Hawai'i Institute for Human Rights

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Thank you Mr. Chairperson,

I am reading this on behalf of Joshua Cooper, who returned to Hawaii to attend to family matters.

In the fifth year, we can recognize a culture of practices and potential actions that can provide positive direction in the promotion and protection of human rights of indigenous peoples. More can be done and we offer this humble ideas for proposals.

The UN Expert Mechanism on the Rights of Indigenous Peoples has established a positive process to conduct thematic studies and there are important issues that should be proposed for consideration and approval by the UN Human Rights Council.

The most imminent issue is climate change. Indigenous peoples offer the best insight to instill a moral architecture that would incorporate a human rights approach to alleviate the harms impacting the indigenous peoples on the frontline of this global challenge.

Relating to the environment and human rights, we believe there is important research and analysis that is crucial to promote and protect human rights of indigenous peoples. We believe that climate change and human rights dialogue has evolved since our initial studies and questionnaires in the UN Working Group on Indigenous Peoples in 2004. We believe a study on the UN Framework Convention on Climate Change and Indigenous Peoples Involvement is essential to examine the impact of climate change in homelands of indigenous peoples from the Arctic to Oceania. A series of studies and workshops should take place over multiple years that are hosted by indigenous peoples in the seven indigenous regions of the world so we can see and experience climate

change firsthand. There is the creation of a new special procedure at the UN Human Rights Council this year. The new independent expert on human rights and environment should be invited to attend future sessions of the EMRIP.

In the Road from Rio, there should be study on the new Sustainable Development Goals and Indigenous Peoples. EMRIP could provide specific language for potential SDGs that will be adopted for a green future we all want. The new initiative of the Sustainable Development Goals must include indigenous peoples and such a study would be invaluable in the upcoming creation of the SDGs. Sustainable Development Goals will be discussed at upcoming sessions of the UN General Assembly.

Closely related is the right to make sure that indigenous peoples have a voice in multilateralism relating to global summits and international financial institutions that impact upon indigenous peoples lives. This is very obvious from the recent Rio+20 summit. A study should examine how the agendas of the series of economic summits focusing predominantly on economy include the human rights of indigenous peoples. From the G8 to the G20 summits, a study can see the potential how issues decided in these elite institutions impact on the human rights of indigenous peoples. A study focus on Promoting Human Rights of Indigenous Peoples in Multilateralism would be very valuable to identify best practices and possible paths forward to defend fundamental freedoms.

Another recommendation focuses on human rights of indigenous peoples in the regional human rights mechanisms. Currently, it is a very important period regarding human rights in ASEAN. An ASEAN Declaration on Human Rights is making it through the region to be adopted in November. There should be a study covering the core declarations and also conventions regarding human rights. A study should be conducted to review the legal cases already decided and also examination of how indigenous peoples can engage with the regional commissions and courts from the new ASEAN Intergovernmental Commission on Human Rights to the American and African Commissions and Courts along with the European Court of Human Rights. A workshop could bring together commissioners and indigenous peoples to discuss new developments in international human rights law at the regional level. It is also necessary to make sure the regional do not fall below the global standard reflected in the UN Declaration on the Rights of Indigenous Peoples.

Another recommendation is a study on the jurisprudence of the

international human rights treaty bodies relating to the human rights of indigenous peoples. A workshop could also be conducted that brings together committee chairs and experts serving on the various committees along with indigenous peoples that have already engaged in the UN human rights treaty bodies. This could be added to the annual meeting that takes place prior to our annual EMRIP session. It is important especially since Voluntary Fund allows for indigenous peoples to attend the sessions of the UN human rights treaty bodies.

Also, another study proposal results from a side event discussion on Demilitarization on Indigenous Lands and Rights of Indigenous Peoples related to Article 30 of the UN Declaration on the Rights of Indigenous Peoples. A Study on Demilitarization and Realization of Article 30 for Indigenous Peoples would be valuable especially in the Asia & Pacific regions. There is a great deal of military activity where armed forces are being moved around the region and the impacts on indigenous lands is immense. There is also a buildup of military forces in Asia-Pacific and this should be studied to understand historical implications but also the holistic impact today with current transfer of armed forces. From Ryukuu to Guam and Hawaii, a study should be comprehensive in its nature to promote a culture of peace and human rights in Asia – Pacific.

We are pleased to see the development of the Academic Friends of the Expert Mechanism on the Rights of Indigenous Peoples. The University of Hawaii as well as the East-West Center specifically the Hawaii Institute for Human Rights and the Hawaii Center for Human Rights Research & Action look forward to participate in research to contribute to the important efforts of the EMRIP.

Thank you

Maluhia Me Ka Pono