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**Human Rights Council**

**Expert Mechanism on the Rights of Indigenous Peoples**

**Fourth session, 11-15 July 2011**

**Agenda Item 6: Proposals to be submitted to the Human Rights Council for its consideration and approval**

**Statement by Hawai'i Institute for Human Rights**

Joshua Cooper [joshuacooperhawaii@gmail.com](mailto:joshuacooperhawaii@gmail.com)

Thank you Mr. Chairperson,

The UN Expert Mechanism on the Rights of Indigenous Peoples have 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 is hosted by indigenous peoples in the seven indigenous regions of the world so we can see and experience climate change firsthand.

A close connection to the initial proposal is a study focusing on the impact of extractive industries practices that impact indigenous peoples fundamental freedoms. Throughout time, corporations have continuously conducted business that negatively impacted indigenous peoples. The study should develop guidelines that assist states and corporations to fulfill the responsibility under the guidelines on business and human rights as well as other recognized standards. The destruction of the sacred land and the dislocation of indigenous peoples has been a persistent problem during the global trend for progress and development.

We recommend a study on the major human rights issues regarding extraction or development of natural resources within or in close proximity to the lands and territories of indigenous peoples.

Closely related is the right to make sure that indigenous peoples have a voice in international financial institutions and global summits that impact upon indigenous peoples lives. 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. We propose a workshop to be hosted in Hawaii when it also hosts the Asia Pacific Economic Cooperation APEC summit in 2011. The November 10 – 14, 2011 meeting will attract the leaders of APECs 21 heads of state, 63 ministers of industry and foreign affairs and more than 16,000 foreign diplomats. Oahu born President Barack Obama, will also attend. How many indigenous peoples will be there? We propose a peoples forum featuring indigenous peoples from Aotearoa, Australia, Canada, Chile, China, Indonesia, Japan, Malaysia, Mexico, Papua New Guinea, Peru, Philippines, Russia, Vietnam, Thailand and Turtle Island. APEC must not only talk about economy but also equality and ecology.

We maintain that this session allowed global consensus to increase regarding indigenous peoples right to participate in decision-making. We believe the EMRIP should continue to examine the implementation of the UN DRIP and specifically explore the right to participate in decision-making specifically the right of free, prior and informed consent by indigenous peoples and consequently the states' duty to consult and respect.

Another recommendation focuses on human rights of indigenous peoples in the regional human rights mechanisms. 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.

An important area is holistic justice. One important focus is Truth and Reconciliation Commissions. An expert group meeting should take place and should include consideration and assessment of Truth and

Reconciliation procedures. We recommend the Human Rights Council authorise the Expert Group Meeting on Truth and Reconciliation Procedures. The results and outcomes of such a meeting will contribute to EMRIP's analysis of good practice for promotion and protection of 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.

We also note the importance to continue to study the important issue of treaties, agreements and other constructive arrangements. We endorse the report of the 2<sup>nd</sup> UN seminar and express support for the specific recommendation with an invitation from our Maori brothers and sisters to hold the 3<sup>rd</sup> UN seminar in Oceania in Aotearoa. Hawaii has international treaties with a number of states and is very interested in this issue. We look forward to participate in this seminar to be held in the Pacific region.

Thank you

Maluhia Me Ka Pono