



Incomindios

International Committee for the Indigenous Peoples of the Americas

5th Session of the Expert Mechanism on the Rights of Indigenous Peoples
 General Debate Item 5
 Leon Siu

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Aloha Mr. Chairman,

Hawaiian people represented by the Koani Foundation, Aupuni Hawaii and Ke Aupuni O Hawaii, wish to state for the record that we do not support the modality adopted by the Indigenous Peoples mechanisms of the UN for participation in the WCIP. We believe that the modality of participation was hastily adopted, will be ineffective and futile, and may end up jeopardizing the interests of Indigenous Peoples in general.

In January 2012 an Indigenous Peoples' leader's brainstorming meeting was held in Copenhagen, Denmark to discuss proposals of the modality for participation in the WCIP 2014. There was no brainstorming. Only one modality was presented and different ideas were summarily dismissed, and calls for more time to consider were rejected. The predetermined modality was railroaded through. Without any hesitation, the indigenous leaders, steeped in the manner of UN operations, had proposed a modality to best conform to the UN and states' interests, not necessarily to the interests of Indigenous Peoples.

Hawaii registered our dissent to the proposed modality, because we believed the modality would give Indigenous Peoples a subservient position to the UN, and seriously limit Hawaii's voice and those of others advocating for self-determination and decolonization.

Specifically, we objected to: 1) not allowing time for consultation with our Elders and people (who later decided not to endorse the process), 2) arbitrarily creating a system of representation by geographic regions rather than by thematic concerns and 3) arbitrarily creating a representative system that would preclude addressing issues of international stature, such as decolonization for Alaska and Hawaii.

Despite the objections and dissent from Alaska and Hawaii, mutually-appointed spokespersons met a few days later with the chief of staff of the President of the UN General Assembly and presented the "Copenhagen Resolution" as the "consensus" proposal to represent all Indigenous Peoples. There was no attempt by the mutually-appointed leaders to discuss any other format or process. The modality adopted by "consensus" in Copenhagen was *fait accompli*. It is the modality you see before you, adopted by presumption and exclusion, in effect silencing the voices of many Indigenous Peoples from the WCIP.

The WCIP 2014 offers an opportunity to make the urgency of Indigenous Peoples' conditions known to the members of the UN General Assembly, but we harbor no delusions that it is the UN and its Member States who determine the rules of engagement. And although the UN recognizes the rights of Indigenous Peoples and

provides platforms to air indigenous issues, the UN has maintained a condescending, paternalistic and manipulative role toward Indigenous Peoples. In actual practice

Indigenous Peoples can only speak to the UN through intermediaries such as NGOs or designated platforms such as the Permanent Forum, EMRIP, CERD, etc., and now...the WCIP which is not really a conference, but has, in the just past few months, been arbitrarily reduced to a "high level plenary meeting."

We are also acutely aware that the UN has no authority or mechanism to compel its Member States to listen to, much less produce remedies for our complaints.

In recent years, as the Indigenous Peoples movement has gained stature, certain UN Member States have increased their manipulation of the UN bureaucracy to deflect, frustrate or otherwise control the direction of the indigenous peoples, especially those pursuing the right to self-determination.

Experience has abundantly demonstrated that states will allow certain concessions to Indigenous Peoples only if it suits the interests of the state and only within the domestic context of the state.

These factors make it all the more urgent that any opportunity to "speak" to the UN and its member states must be done in the most emphatic manner possible. We do not believe the modality adopted will enable this emphasis.

We believe the modality adopted will not provide a suitable or effective format through which Hawaii can present its primary issue, that of self-determination and decolonization. So unless there is a substantive change to *thematic* rather than *regional* representation, we and other Indigenous Peoples that share the same position will seek another way to participate directly in the WCIP.

We call upon EMRIP to indicate its support for the participation of all Indigenous Peoples in WIPC 2014, and to encourage other UN-affiliated Indigenous Peoples mechanisms and organizations to likewise support such participation.

Mahalo a nui loa,
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The Koani Foundation
Aupuni Hawaii
Ke Aupuni o Hawaii
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