

INTERVENTION OF
NA KOA IKAIKA O KA LAHUI HAWAI'I

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Item #: 6 Topic: Human Rights Presenter: Le'a Kanehe

I thank you, Mr. Chairman, for giving Na Koa Ikaika o Ka Lahui Hawai'i this opportunity to address the Permanent Forum on Indigenous Issues and take the floor again to raise our concerns about Human Rights.

The most critical and significant human right for Indigenous Peoples is the right of self-determination. Collectively, we are facing a crisis for cultural, social and economic survival. Without full recognition of the right of self-determination, however, our right as peoples to freely determine our political status and to freely pursue our cultural, social and economic development cannot be actualized.

For Native Hawaiians, since the time of the overthrow of our sovereign Kingdom in 1893 with the active military and diplomatic participation of the United States government, we have been excluded from the U.S.' federal policy that allows American Indians and Alaska Natives to enjoy a limited right of territorial autonomy. In 1959, we were removed from the UN List of Non-Self-Governing Territories in contravention of international law. Since then, we have been viewed and treated as wards of the State of Hawai'i. In 1946, when Hawai'i was inscribed on the UN List on Non-Self-Governing Territories, the U.S. assumed a "sacred trust" relationship as the administering authority to promote de-colonization through an exercise of true self-determination. To date, we have been denied the right to vote for a political status and thereby denied the right of self-determination. We are the only class of native peoples within the U.S. without federal recognition of a native governing entity. Due to the lack of extension of the federal policy to recognize at least a semi-autonomous government for Native Hawaiians, my peoples and our rights to our trust lands have been left at jeopardy and remain under constant legal attack by Americans claiming that any and all programs benefiting Native Hawaiians are impermissibly race-based under the U.S. Constitution. In the most recent case, called *Arakaki v. State of Hawai'i*, the U.S. government refuses to take a position. By taking no action, it refuses to even uphold its own policy to recognize a limited right for semi-autonomy, thereby perpetuating the denial of our right to self-determination.

Mr. Chairman, we offer these facts as the Hawaiian example of how the right of self-determination has been denied and limited by some observer states. Perhaps more importantly, however, we have come here to the United Nations to prevail upon the Permanent Forum to include two important points in its report relating to human rights. We strongly believe these two recommendations will benefit not only the Native Hawaiian peoples, but all Indigenous Peoples.

First, we encourage the Permanent Forum to report the fact that the deliberations in the intersessional Working Group on the Draft Declaration on the Rights of Indigenous Peoples are not making any progress. Despite garnering unanimous support by Indigenous Peoples at the Working Group level and passing through the Subcommission on Human Rights with the complete approval of their international legal experts, only two provisions of the Declaration have been approved at the Commission level in the last eight years. The lack of progress is a direct result of stonewalling by a handful of states

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who are abusing the process and redrafting the Declaration to diminish the rights of Indigenous Peoples. Every provision of the Declaration uses the term “indigenous peoples” with an “s,” recognizing that we have the same right as all peoples to self-determination. Some states, however, refuse to recognize that we have the right and therefore every provision remains contentious. For example, the government of the U.S. released in 2001 its interpretation of the right of self-determination. The U.S. only recognizes a right of “*internal* self-determination.” By virtue of that right, Native Peoples within the U.S. have a right to “negotiate [our] political status within the framework of the existing nation-state.” Under international Human Rights law, however, there is no such thing as internal self-determination.

The second point that we encourage the Permanent Forum’s report to reflect is that both the Final Report of the Indigenous Peoples’ Millennium Conference and the Human Rights Commission Mid-Decade Assessment reported that the Program of Action for the Decade on Indigenous Peoples has not been met. Although the Indigenous Peoples of the world have achieved several significant goals, states and UN agencies have not fulfilled many of their obligations. One of the main goals of the Decade was the approval of the Draft Declaration on the Rights of Indigenous Peoples. However, as eight years have past and 2004 draws near, and the Declaration is stalled, we deem it appropriate to call for a second decade on Indigenous Peoples. Because the first decade was aimed at strengthening international co-operation for the solution of problems faced by Indigenous Peoples in areas such as human rights, culture, the environment, development, education and health, and because the broad mandate of the Permanent Forum incorporates all of these, we feel it only appropriate that the Permanent Forum advocate on behalf of all Indigenous Peoples that the United Nations reaffirm its commitment to the theme of “Partnership in Action” and call for a second decade of Indigenous Peoples. Another ten years really is nothing when compared to the centuries of colonization that Indigenous Peoples have had to endure.

We would like to conclude by recognizing and commending our brothers and sisters in East Timor whose fight against colonization of four centuries came to an end yesterday by becoming the newest independent nation-state. They shine as a beacon of hope for all of us in the struggle for the attainment of the right of self-determination for all Indigenous Peoples.

Aloha a mahalo.