

During the eleventh session - the Permanent Forum held a panel discussion entitled “The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests

It is without question that the doctrine has had a detrimental effect on all indigenous peoples. Its implementation was used as an instrument to alienate indigenous peoples from their lands, resources and culture, a process that continues today in various forms.

In view of the detrimental effects of colonization and the doctrine of discovery, together with the call by the Permanent Forum to States to repudiate such doctrines as the basis for denying the human rights of indigenous peoples, the present report provides case studies that highlight the impetus for the right to self-determination among indigenous peoples of the Pacific.

In an effort to hasten the progress of decolonization, the Declaration on the Granting of Independence to Colonial Countries and Peoples was adopted by the General Assembly in 1960.

The following year, a Special Committee to monitor the implementation of the Declaration was established.

The Committee annually reviews the list of Non-Self-Governing Territories to which the Declaration is applicable and makes recommendations as to its implementation.

The list of Non-Self-Governing Territories was initially prepared in 1946. The 12 criteria as to whether a territory could be considered to be non-self-governing and therefore placed on the list include:

Whether:

- A territory was known to be of the colonial type and

- whether it was geographically separate and
- distinct ethnically and/or culturally

from the country administering it.

Additional elements such as whether the territory performed its own

- administrative,
- political,
- juridical,
- economic or
- historical functions

were also considered.

Of the 16 Non-Self-Governing Territories currently listed for active consideration by the Committee, 5 (American Samoa, Guam, New Caledonia, Tokelau and Pitcairn) are located in the Pacific.

Pacific islands not on the list but seeking consideration included French Polynesia and Hawaii. Of note Hawaii previously featured on the list but was removed.

By way of update and referred to by the Pacific Caucus last week.

The UN General Assembly, on Friday 17 May, passed a resolution that places French Polynesia on the list of territories to be decolonized.

The resolution, submitted by several small Pacific states (Solomon Islands, Nauru, Tuvalu, Samoa) as well as East Timor, was adopted by consensus.

The resolution further requested that dialogue take place in order to facilitate rapid progress towards a fair and effective self-determination process.

By way of further update:

In February during the opening of the 2013 substantive session of the Special Committee on Decolonization, the Secretary-General Ban Ki-moon called on that body to devise “fresh and creative” approaches in mobilizing the political will needed to eradicate colonialism, saying it had no place in the modern world.

And on Tuesday 28<sup>th</sup> May 2013 the SG Ban ki Moon noted:

“Let us build on the many successes of decolonization. Let us also retool and rejuvenate our methods of work and become true “enablers” of the decolonization process.”

Owing to the diversity of the Pacific region, the present study was confined to four case studies within the Pacific.

### **When considering the Relevant Articles of the DRIP**

Article 4, driven by article 3 and with the additional contextual support of articles 11, 12, 14, 20 and 26, restricted by article 46 provides grounds for a specialized or unique form of self-determination. Arguably this is reflected in the current relationship that the NZ government has with Tokelau.

It is suggested that a conference or series of seminars in the Pacific region could examine potential exercises of engagement with indigenous peoples to realize the rights enshrined in those articles on a case-by-case basis or entertain a conference or series of seminars that could feed into this process.

The Special Committee and the Permanent Forum could support studies and expert workshops that could be useful in the Third International Decade for the Eradication of Colonialism. Such collaborative efforts could offer relevant research for those seeking solutions in that area.

### **Conclusions and Recommendations**

It is undisputed that colonization has been detrimental to Pacific island nations - that indigenous peoples have a right to self-determination including the Pacific Nations.

I am hopeful that this report will provide an opportunity for the re-engagement of dialogue between indigenous peoples of the Pacific seeking self-determination and relevant States.