

Twelfth Session of the United Nations Permanent Forum on
Indigenous Issues- May 20-31, 2013- New York City

Intervention on behalf of the Pacific Caucus

Item 3 (c) Culture.

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Aloha, my name is Donna Ann Kameha'iku Camvel and I come from the land of 'Ioleka'a in the Hawaiian Islands.

I bring greetings from my ancestors to the Haudenosaunee, the people of this land, to you Mr. Chairman and members of the Permanent Forum on Indigenous Issues.

We have 8 recommendations regarding Item 3 (c) on Culture.

1. We ask that the Special Rapporteur on Human Rights visit Hawai'i to investigate violations of Indigenous Hawaiians' right of access onto military controlled properties to conduct ritual, sacred, and customary religious practices.
2. We urge the UN through its various agencies, mechanisms and structures to establish mandatory Indigenous Peoples' Advisory Groups in all areas of economic development, as per and developing from paragraph 135 of the Report of the Ninth Session of the UNPFII;
3. We urge UNESCO¹, WIPO², UN CBD³ secretariat, UNDP⁴ and any other current and future UN agencies conducting work relating to Indigenous Peoples to constitute an international network of Indigenous experts and specialists to forge partnerships between these agencies and Indigenous Peoples, as per and developing from paragraph 105 of the Report of the second session of UNPFII and paragraphs 37 and 108 of the Report of the ninth session of UNPFII;
4. We urge WIPO, CBD and any other UN agency, forum or mechanism whose work affects or involves Indigenous Peoples, to host participatory information sessions and/or side events annually at the Permanent Forum on the status and continuing progress of Indigenous Peoples participation in such forums or mechanisms as per and developing from paragraph 36 of the Report of the third session of the UNPFII and paragraph 97 of the Report of the second session of the UNPFII;
5. We urge that UNESCO hold further participatory information sessions and side-events at the Permanent Forum on the Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005 and the Convention for the Safeguarding of Intangible Cultural Heritage 2003 as per and developing from paragraphs 26 and 30 of the Report of the third session of the UNPFII; and

¹United Nations Educational, Scientific and Cultural Organisation (UNESCO).

²World Intellectual Property Organisation.

³United Nations Convention on Bio Diversity.

⁴United Nations Development Program (UNDP).

6. We urge all States that have not done so to ratify and enact into domestic legislation the Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005 and the Convention for the Safeguarding of Intangible Cultural Heritage 2003 as per and developing from paragraph 30 of the Report of the second session of UNPFII.
7. Recommended by the Permanent Forum, the UN Food and Agricultural Organization in collaboration with UNDP, Global Environment Facility and UNESCO, is undertaking an initiative aimed at the global recognition, conservation and sustainable management of the world's outstanding indigenous and traditional agricultural systems and their associate landscapes, biodiversity, knowledge systems, and cultures. We request an update on this work, in particular how the work is being implemented in compliance with the DRIP standards.
8. Finally, Mr. Chair, the Hawai'i delegation is very pleased that the UN General Assembly voted on Friday, May 17, 2013 to add French Polynesia to its list of territories that should be decolonized, affirming the right of the islands' inhabitants (Ta'ata Maohi) to "self-determination and independence" in accordance with [A/67/L.56/Rev.1]. Our delegation calls upon the Permanent Forum and the UN General Assembly to also support Hawai'i's right to be re-inscribed onto the list of non-self-governing territories. Furthermore, we call upon the US government to facilitate an expeditious process towards self-determination for indigenous Hawaiians.

The maintenance, control, protection and development of Indigenous cultures by Indigenous Peoples are intrinsic and fundamental for the wellbeing and survival of all Indigenous Peoples.

In Hawai'i cultural access onto federally controlled or military occupied lands is a critical problem. Many cultural sites are located on lands which have been under military control since 1898. As a result, these cultural landscapes have been altered, damaged, contaminated, and polluted. Indigenous Hawaiians have much difficulty in asserting their rights of access onto these sites for their religious practices. Existing federal mechanisms mitigating these issues are extremely restrictive prohibiting meaningful implementation of access onto cultural landscapes under the control of the military industrial complex. These are human rights violations!

We acknowledge and applaud the implementation of the recommendation to establish and maintain a Voluntary Fund for Indigenous Peoples to actively participate in the work of World Intellectual Property Organization (WIPO) as per paragraph 37 of the report of the third session of UNPFII. However, without full and effective participation of Indigenous Peoples in this work we cannot be actively engaged in this process.

The WIPO Intergovernmental Committee (IGC) on Genetic Resources, Intellectual Property (IP) and Traditional Knowledge and Folklore is conducting sessions on developing an international agreement between member States as to, amongst other things, the use, protection and development of genetic resources, intellectual property, traditional knowledge and traditional cultural expressions. Indigenous Peoples have observer status only and therefore are excluded

from actively and fully participating in these sessions and thereby are unable to participate directly in decisions that affect them.

The rights of Indigenous Peoples to 'preserve and maintain knowledge, innovations and practices'⁵ is further evidenced in Article 8(j) of the Convention on Biological Diversity.

In order to effectively participate in the protection of our cultural knowledge, genetic resources and intellectual property rights, Indigenous People's Advisory Groups must be developed to enable us to immediately and effectively engage in these important areas for the world's Indigenous Peoples.

As part of the establishment of the Advisory Groups, we recommend that UN agencies establish an international network of Indigenous decision making experts to develop and maintain collaborative partnerships between UN agencies and the world's Indigenous Peoples.

We note that with regards to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005 and the Convention for the Safeguarding of Intangible Cultural Heritage 2003 Australia is yet to ratify these Conventions. We urge Australia and all other member States to do so as a matter of highest priority.

The Permanent Forum's 4th Session "Recognize[d] the importance of and emphasize[d] support for indigenous agricultural systems, including forestry, shifting cultivation, fisheries, livestock, pastoralism and hunting-gathering systems and their associated biodiversity foods, knowledge systems and cultures" and;

At its 10th Session "urge[d] States to recognize and protect indigenous peoples' cultural right to water and, through legislation and policy, to support the right of indigenous peoples to hunt and gather food resources from waters used for cultural, economic and commercial purposes. This is consistent with article 25 of the United Nations Declaration on the Rights of Indigenous Peoples.

You cannot be sovereign if you can't feed your people. We would like to draw attention to the importance of cultural survival for Indigenous Peoples food security. If we can retain our traditional knowledge and practices about growing our own foods, sustainable harvesting of plants and animals, we will be stronger and thrive as Indigenous Peoples. Conversely, if our culture remains vulnerable, many areas of Indigenous Peoples' lives – including our food security – will be similarly and adversely affected.

In closing, the Pacific Caucus thanks you for hearing our concerns regarding culture and the inclusion of our recommendations as a record of our concerns.

⁵ Article 8(j) Convention on Biological Diversity.