

# **The Pacific Declaration of the Preparatory Meeting for Pacific Indigenous Peoples on the World Conference on Indigenous Peoples 2014**

**Redfern, Sydney, Australia**

National Centre for Indigenous Excellence, 180 George Street, Redfern NSW 2016

**19-21 March 2013**

---

We the Delegates gathered at the Preparatory Meeting for Pacific Indigenous Peoples on the World Conference on Indigenous Peoples 2014, on the lands of the Gadigal people of the Eora nation in Redfern, Australia 19-21 March 2013:

*Welcome* Resolution A/RES/65/198 of the United Nations General Assembly on 3 March 2011, to organize a high level plenary meeting of the General Assembly to be known as the World Conference on Indigenous Peoples (WCIP) to be held in 2014, to share perspectives and best practices on the realization of the rights of indigenous peoples, including those acknowledged in the United Nations Declaration on the Rights of Indigenous Peoples.<sup>1</sup>

*Welcome* Resolution A/66/L.61 of the United Nations General Assembly on 17 September 2012, that the WCIP shall result in a concise action-oriented outcome document taking into account the views emerging from preparatory processes through informal interactive hearings and inclusive and open informal consultations among and between member states and indigenous peoples.<sup>2</sup>

We, the Delegates of the Indigenous peoples of the Pacific hereby declare that:

The assertion of sovereignty by colonial powers over Indigenous peoples, their territories, lands, seas and resources were based on morally reprehensible theories that have no basis in fact or law. These theories were manifested in strategies designed to destroy Indigenous nations, including through:

- a) the dispossession of Indigenous peoples' lands and territories;
- b) the destruction of Indigenous peoples' political and legal institutions;
- c) the discriminatory practices of colonizing forces aiming to destroy Indigenous peoples' cultures;
- d) the failure to honour treaties with Indigenous nations;
- e) genocide, crimes against humanity, war crimes and the militarization of Indigenous peoples and their lands;
- f) the corporatization and commodification of Indigenous peoples and their worlds; and
- g) the imposition of development models that are making life on earth uninhabitable, of which the impacts of climate change could prove the most destructive.

---

<sup>1</sup> United Nations General Assembly, Resolution A/65/198 of 21 December 2010.

<sup>2</sup> United Nations General Assembly, Resolution A/66/L.61.

The direct result of these actions is Indigenous peoples' current situation of marginalisation, inequality and overrepresentation in negative socio-economic indicators that work to render Indigenous peoples invisible.

Yet Indigenous peoples of the Pacific remain invincible. Indigenous resistance and resilience has seen Indigenous peoples in the Pacific:

- a) realise sovereignty over their nations in some specific cases through membership in the United Nations (UN) and in other cases over parts of their traditional lands;
- b) continue the evolution of standard setting established with the ILO Convention 169 and UN Declaration on the Rights of Indigenous Peoples;
- c) secure the recognition of their rights within the UN human rights treaty and charter bodies and mechanisms such as the Human Rights Council's Universal Periodic Review, the Permanent Forum on Indigenous Issues, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples as well as UN agencies and programs; and
- d) continue to show the worth and value of the wisdom of their cultures for the future of the earth, which cultures provide the solution to many of the world's current crises, including the economic and environmental crises.

#### **a) World Conference on Indigenous Peoples 2014 and Global Preparatory Conference**

*We assert* that the rights of Indigenous Peoples of the Pacific be respected, promoted and fulfilled; and that those recommendations outlined below be considered at the Global Indigenous Peoples Conference on the World Conference on Indigenous Peoples in Alta, Norway in June 2013, and the World Conference on Indigenous Peoples in New York in September 2014.

#### **b) Review of involvement by Indigenous Peoples in the UN System**

The following recommendations relating to Indigenous Peoples involvement in the UN system were endorsed by the delegates:

1. That the UN Human Rights Council implements special measures to ensure that Indigenous people with expertise in Indigenous Peoples' rights are appointed to all treaty bodies such as the Human Rights Committee (HRC). It was emphasised that such appointments will provide UN treaty bodies with greater understanding of Indigenous Peoples' rights and how those rights impact upon the monitoring of conventions and treaties.
2. That an independent mechanism be established by the World Trade Organisation, in conjunction with the United Nations Permanent Forum on Indigenous Issues (UNPFII) and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), to ensure the recognition and protection of Indigenous Peoples economic and property rights. For example by using

compliance with international standards to grant licences for development and mineral extraction programs. Further, this mechanism should have a reporting and complaints system to be adjudicated by the HRC.

3. The UN member State reports for the Universal Periodic Review (UPR) should include mandatory consideration of Indigenous rights as outlined in the Declaration on the Rights of Indigenous Peoples (the Declaration), alongside the Universal Declaration of Human Rights (UNDHR), and the UN Charter.
4. That an audit of the implementation of the Declaration and key recommendations from the following reports be made publically available:
  - i. Member State reports by the Special Rapporteur on the Rights of Indigenous Peoples.
  - ii. Periodic Member State reports, non-governmental organisation (NGO) shadow reports, and UN Committee observation reports regarding non-compliance with the UN international conventions.
  - iii. Reports of the UNPFII and EMRIP.
5. That funds are allocated for the organisation of parallel events, including event that promote Indigenous cultures, to accompany the World Conference on Indigenous Peoples so as to allow for the greatest participation of Indigenous Peoples in the Conference.
6. That the state governments of the Pacific create, in consultation with Indigenous peoples, a Pacific regional human rights system that includes an enforceable instrument on Indigenous peoples' rights, a human rights commission and a human rights court.

**c) The 1<sup>st</sup> and 2<sup>nd</sup> Decade of Indigenous Peoples: What has worked, what is not working, what have we learnt and the way forward**

If a Third International Decade of the World's Indigenous Peoples is adopted this meeting endorses the following recommendations:

1. That a UN High Commissioner on the Rights of Indigenous Peoples is established to offer the best expertise and support to the different human rights monitoring mechanisms in the UN system in relation to Indigenous Peoples.

**d) Organisation of the WCIP 14**

It was agreed delegates to the Alta meeting would be selected in accordance with the following selection criteria:

- a. Essential criteria for the sub-region delegate nominations:
  - i. Must be Indigenous
  - ii. Available to travel to the meeting

- iii. Can obtain visa
  - iv. Over 18 years of age
  - v. Supported by or represent an Indigenous organisation or Indigenous Peoples nation/clan/group
  - vi. Experience at the United Nations
  - vii. Ability to draft recommendations
  - viii. Some experience in lobbying
  - ix. The delegate must not be a government employee
- b. Desirable criteria for the sub-region delegate nominations:
- i. Expertise in a particular area
  - ii. Proven track record of working under pressure
  - iii. Proven experience working in large teams
  - iv. Ability to use Microsoft word, including track and change
  - v. Established relationships with representatives of the seven socio-cultural regional groupings (Indigenous Peoples regions) of Africa, Asia, Central America, Eastern Europe, South America, the Arctic and the Pacific
  - vi. Established relationships with the Global Coordinating Committee (GCG) members
  - vii. Established relationships with representatives from Global Indigenous Caucus and/or Global Indigenous Women's Caucus and/or Global Indigenous Youth Caucus
- c. Criteria to be considered by each sub-region when nominating Delegates:
- i. Inclusion of Youth (Emerging Leaders)
  - ii. Inclusion of Elders
  - iii. Inclusion of Women
  - iv. Geographic distribution
  - v. Balance of organisational and/or nation/clan/group representation
  - vi. Continuity across all meetings and positions
  - vii. Back up representatives for all meetings and positions

#### **e) Health**

The following recommendations on health were endorsed by the meeting:

1. States must adopt a clear, concrete and long-term national plan of action to achieve Indigenous health equality that:
  - i. comprises a detailed plan for the full realisation of the right to health;
  - ii. is adequately funded on a long-term basis to meet the complex and multiple determinants of health, including long term funding to ensure the meaningful and effective participation of Indigenous communities and their representative organisations; and
  - iii. includes Indigenous Peoples and representative organisations in all aspects and stages of the action plan.
2. States in adopting measures to promote Indigenous health equality must adopt a broad and holistic definition of health, which:

- i. encompasses the social, economic, political and cultural determinants of health;
  - ii. has a collective dimension; and
  - iii. recognises the ongoing impacts of colonisation; and past and present government policies and practices on the health of Indigenous Peoples, and;
  - iv. are consistent with a rights-based approach to health as outlined in the Declaration, Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and General Comment 14 of the Committee on Economic, Social and Cultural Rights.
3. States must enshrine the right to health in domestic law and regulation to ensure its justiciability and that effective protection and redress are guaranteed for Indigenous Peoples (for example regulation of health professionals to demonstrate cultural competence in Aotearoa). Consistent with Article 2 of ICESCR, legal protection must also include the right of non-discrimination as an essential measure to address institutional and systemic racism and to ensure health equality for Indigenous Peoples.
4. Health services for Indigenous Peoples must be delivered by States in a comprehensive, integrated and culturally appropriate way, which recognises the diverse range of determinants of Indigenous health and includes linkages with all other government initiatives that impact on the social and cultural determinants of Indigenous health.
5. States must ensure that community education and awareness programs around health promotion and primary prevention are designed in consultation with Indigenous communities to ensure that they are relevant and appropriate and are central to promoting health equality and the delivery of these activities should be a part of the funded core business of health service providers.
6. Consistent with the principle of 'progressive realisation' contained in the ICESCR States must maintain:
  - i. effective accountability and monitoring processes and must be established and maintained with the involvement and the participation of Indigenous Peoples and their representative organisations; and
  - ii. success must not be equated by merely enhancing access, but rather real and measurable health improvements.
7. The disproportionate prevalence in Indigenous populations of preventable diseases such as suicide, HIV, Malaria, Trachoma (WHO priorities), Tuberculosis, chronic ear infections and Bronchiectasis, should be a focus of the WCIP 14 within its health agenda.
8. That the UN encourage and supports States to develop and implement a genuine progress index/indicator as a true means of measuring wellbeing of their citizens, including Indigenous Peoples, as aligned with the UN Charter and International Treaties.

9. That high rates of suicides (particularly youth) and incarceration in Indigenous communities is highlighted as an extraordinary crisis and is considered a high priority for health policies and interventions both in terms of prevention and post traumatic events across families and communities.
10. That the WHO conducts a global study into suicide amongst Indigenous populations including through aggregated and standardised methods of data collection.
11. That the WHO acknowledges that there is no perfect way to treat disease and that western medicine is suitable to resolve some health issues, whilst traditional medicine is more suited for others.
12. That in accordance with Article 3 of the Declaration the WHO promotes the efforts of collaborative approaches in the resolution of disease and the service delivery of medicine and practitioners by equally respecting the professions of traditional medicine, culture and practices across all policies and practices of UN agencies.
13. In partnership with Indigenous Peoples, that states improve the efficacy of data collections on Indigenous People to ensure transparency and accountability; and that further development work is explored to adopt methodologies that best inform life expectancy before life expectancy estimates are published.

#### **f) Justice**

The following recommendations on justice were endorsed by the meeting:

1. That States must develop processes to ensure that both provisional and national laws, policies and procedures comply with international standards including human rights treaties and the Declaration.
2. That States and the UN develop processes which include access to remedies to hold transnational corporations to account for breaches of Indigenous Peoples collective and individual rights.
3. That States develop processes to increase Indigenous engagement and participation in justice systems including as lawyers, judges and support staff.
4. That States ensure that people incarcerated are granted their right to vote.
5. That the UN conduct a global study into the incarceration and overrepresentation of Indigenous Peoples in justice systems, including through aggregated and standardized methodologies of data collection.
6. That States review and consider the benefits of Indigenous customary laws and/or justice systems being better incorporated into their justice systems.

7. That States acknowledge that international law upholds the rights of colonial nations' justice systems, to the detriment of Indigenous justice systems. States should consider integrating traditional systems of justice into national legislation in conformity with international human rights law and international standards of justice.
8. That the UN establishes an international monitoring body to monitor the progress of member nations regarding justice for Indigenous Peoples.
9. That States support Indigenous Peoples to develop programs for specific groups including Indigenous men, women, young people and Indigenous communities to collectively improve access to justice.
10. That States develop in conjunction with Indigenous Peoples just and fair procedures for the resolution of conflicts and disputes between Indigenous Peoples and the State.
11. That States take a strategic approach to crime and justice with Indigenous Peoples that is informed by standardised data collection and focused on prevention and diversion as well as protection and rehabilitation; and that States consider the adoption of Justice Reinvestment as a way of reducing incarceration of Indigenous Peoples.
12. That States provide financial and technical support for Indigenous organisations to:
  - i. provide legal services, including community legal education and policy and law reform advice;
  - ii. ensure that non-Indigenous bodies and service providers respond appropriately to Indigenous justice needs; and
  - iii. inform and assist Indigenous people regarding national and international legislation on human rights and fundamental freedoms, to carry out activities for protecting those rights and freedoms and to promote the capacity-building and participation of Indigenous Peoples.
13. States should review national laws to eliminate discriminatory provisions with the full and effective participation of Indigenous experts to ensure equality and non-discrimination.
14. Where it is not already the case, national constitutions should be amended to appropriately recognise the unique status of Indigenous Peoples as First Peoples.
15. That an evaluation of national mechanisms on human rights and Indigenous Peoples' rights, such as ministries of tribal affairs, commissions on Indigenous Peoples and human rights commissions, should be undertaken to identify strengths and weaknesses in promoting and protecting Indigenous Peoples' rights that shall form the basis for reforming such bodies.
16. States are encouraged to further develop national laws for the protection and

promotion of human rights, including means of monitoring and guaranteeing those rights. Consideration should be given by States that have not yet done so for the ratification of International Labour Organization Convention 169 (ILO 169) and strengthening mechanisms to monitor the implementation of the Convention.

17. The UPR review of States should include special provision to examine the situation of the Indigenous Peoples in any State or Territory particularly regarding the collective human rights as set out in the Declaration, and that States be reviewed in the UPR process to ensure that recommendations have been adequately addressed in reasonable time since the recommendations were first proposed.

### **g) Violence Against Women**

The following recommendations on violence against women were endorsed by the meeting:

1. States acknowledge publicly, in discourse, across policy, programs and through education that, as a result of the violence inflicted upon Indigenous Peoples through the process of colonisation and acculturation that this violence itself has been internalised in Indigenous family systems and has become a disease to which we have been forcibly afflicted. It must now be viewed as a familial and community disease to be treated holistically in partnership with Indigenous Peoples themselves, and in accordance with the principles of the Declaration, in particular Article 3 self determination.
2. That UN agencies expand the discourse of violence against women and include one of violence against Indigenous Peoples.
3. Member States increase funding for community-led violence prevention initiatives in urban, rural and remote areas including the recruitment and training of Indigenous service providers and frontline workers; shelters; and culturally appropriate crisis and counselling services in indigenous languages.
4. States work with Indigenous communities to design education and public awareness campaigns specific to those communities and to allocate sufficient funds for this work in accordance with article 22 (2) of the Declaration.
5. All actors work to improve the coordination of services and resources and increase cooperation and jointly coordinate services and programmes for victims of violence and abuse.
6. In order to empower victims of trafficking, States and the UN system need to factor into their assistance programmes the language and cultural backgrounds of Indigenous women and girls, make concerted efforts to prevent discrimination based on ethnicity and pay particular attention to restoring and building the victim's self-esteem.



7. The UN system, programmes and funds that focus on combating the trafficking of human beings pay particular attention to support the identities of the victim, including their identities as Indigenous Peoples.
8. That States consider the adoption of national targets (such as in the Close the Gap framework in Australia) aimed at reducing the hospitalisation of Indigenous Peoples as a result of assault.
9. That States increase the funding for Indigenous specific legal aid for both Indigenous men and women, especially in regards to criminal injuries compensation and access to victim support – and for that to cover urban, regional and remote areas.
10. That States develop and fund programs to prevent and eliminate violence against Indigenous Elders and develop programs to provide adequate protection, respect and support for Indigenous Elders.
11. That States ensure that educational programs be made available to all people, including Indigenous Peoples and that it is noted that Indigenous children and youth who are not in school are more susceptible to violence. Particularly focusing on healing, awareness raising and prevention for Indigenous men.
12. That States provide programs for Indigenous men on healing, awareness raising and prevention.

#### **h) Self-Determination, Decision Making and Free, Prior and Informed Consent**

The following recommendations on Self-Determination were endorsed by the meeting:

1. That States must be accountable for implementation of the Declaration. The UNGA should recommend States to commit to engaging in formal dialogue with Indigenous Peoples, and their National Human Rights Institutions, to design and develop a National Strategy to give full effect to the Declaration.
2. That States must fully respect the self-determination of Indigenous Peoples of the Pacific, including through formal decolonization processes for those Pacific Indigenous Peoples that seek it.
3. That the UN remind States that when State decision-making powers or authority is delegated to sub-national political levels, including governmental bodies, such bodies must also comply with State obligations concerning the protection and promotion of Indigenous Peoples Rights.
4. That the UN support the development and implementation of a South Pacific Independent Peoples Economic Union (SPIPEU) to develop a strategy for

economic survival of Indigenous Peoples, and request that Samoa host the first meeting of the SPIPEU in 2015.

**i) Lands, territories and resources**

The following recommendations on lands, territories and resources were endorsed by the meeting:

1. That States promote and enable self-determination for Indigenous Peoples through the development of constructive agreements with Indigenous Peoples to advance self-determination and land rights, including development of their own lands, territories and resources.
2. That States and Industry stakeholders work with Indigenous Peoples nationally to develop a set of agreed and achievable principles for implementing the Declaration that ensure that the human rights of Indigenous Peoples are understood, promoted and observed where extractive industries operate.
3. That States work with Indigenous Peoples and Industry stakeholders to develop policies and procedures for working with Indigenous Peoples that comply with the standards set out in the Declaration; and establish at the highest levels a statement on the rights of Indigenous Peoples that respects and promotes their rights.
4. That States work with Indigenous Peoples to develop redress mechanisms that enforce good faith negotiations, are informed by best practice standards and practices, and include legitimate processes to remediate damage to country, and restitution or compensation for lands taken and or damaged without free, prior and informed consent.
5. That States acknowledge and address (according to mutually agreed timeframes with Indigenous peoples) the Rio+20 Indigenous Peoples Declaration on Sustainable Development to access and share in the benefits from their lands, territories and resources.
6. That States ensure meaningful, sufficiently resourced engagement between appropriately mandated Indigenous claims and grievances concerning their traditional knowledge, flora and fauna.
7. That States protect Indigenous Peoples' natural resource related responsibilities and rights, including Indigenous Peoples' right to obtain free, prior and informed consent concerning the development and implementation of state policy that affects such natural resources (including the allocation and management of associated property rights).
8. That States recognise the unacceptably harmful effects of fossil fuel extraction and its use on the natural environment and address the following in relation to Indigenous Peoples lands, territories and resources:

- i. Design and implement a practical , comprehensive and meaningful strategy to urgently transition away from fossil fuel dependence to clean, renewable and/or free energy based systems and infrastructure.
- ii. Recognise the increasing and disturbing trend of technology replacing humans in the labour market, and in consultation with Indigenous Peoples develop and implement an effective, strategic response.

## **j) Education**

The following recommendations on Education were endorsed by the meeting:

1. In line with the United Nations Declaration on Human Rights and Article 14 of the Declaration we strongly urge the UNGA to adopt the right to education as one of the priority themes for discussion at the WCIP 14.
2. In recognition that access to Education for Indigenous Peoples is a global concern we request the WCIP 14 to call on the UN Human Rights Council to establish a Special Rapporteur for Indigenous Education.
3. The UN urge States to commit to the principles of Indigenous sovereignty and social justice by ensuring Indigenous Peoples are able to exercise their right to education without conditions, encumbrances or suspension of other rights guaranteed by the Universal Declaration of Human Rights and the Declaration of the Rights of Indigenous Peoples.
4. That States explicitly enshrine the rights to education in domestic law, regulation and policy.
5. That the UN develop a set of international standards that protect Indigenous identity, language, knowledge systems, intellectual and cultural property rights; and that the UNGA urge nation states to adopt policies and legislation that protect, preserve and promote Indigenous knowledges' and intellectual and cultural property rights at the WCIP 14;
6. That the UN develops a process that formalizes the recognition of scholarship that underpins Indigenous knowledge's and knowledge systems, research methodologies and theoretical frameworks that benefit Indigenous Peoples.

## **k) Climate Change**

The following recommendations on climate change were endorsed by the meeting:

1. That States be urged to ensure the full participation of Indigenous Peoples in initiatives to combat climate change.
2. That Indigenous Peoples be supported to participate in international fora under the UN Framework Convention on Climate Change.

3. That States formally develop an implementation strategy on the Declaration as a priority to ensure strategies to address climate change uphold Indigenous Peoples rights to participation and free, prior and informed consent.
4. That States consider a mechanism through which they can monitor and report on the impacts of climate change on Indigenous Peoples, mindful of our socio-economic limitations, and spiritual attachment to lands and waters.
5. That the UNGA recognise Indigenous Peoples vision and practice of Sustainable Development to be a focus of discussion at the WCIP 14 and that the United Nations Conference on Sustainable Development (Rio+20) Indigenous Peoples Declaration on Sustainable Development should guide this discussion.
6. That the UNGA recommends the United Nations Framework Convention on Climate Change (UNFCCC) upholds the right to participation in decision making and free, prior and informed consent on any decisions adopted at the Conference of the Parties, including the following:
  - i. to develop mechanisms to promote input and participation of Indigenous Peoples in the design, development and implementation of the strategies and activities to be financed by the Green Climate Fund
  - ii. action on adaptation of the Convention should be undertaken in a participatory and fully transparent approach, guided as appropriate by traditional and Indigenous knowledge
  - iii. to include Indigenous and traditional knowledge for future technical workshops.
7. That the UN should consider climate change policy, such as carbon markets, guarantees and protects Indigenous Peoples' engagement and participation. This should include Indigenous involvement in all aspects of climate change law and policy such as development, implementation, monitoring, assessment and review.
8. That the UN urges States to recognise that meaningful and effective protection and promotion of Indigenous Peoples' rights regarding their traditional territories and natural resources in a critical component of any such strategy to protect fisheries.
9. That States view climate change from a broad human rights perspective. In particular, Pacific islands (Kiribati and Tuvalu) are vulnerable to the effects of climate change. Pacific Islanders have a right to remain in their motherland and maintain culture and traditions.
10. That the UN and States establish global mechanisms for the relocation of Indigenous Peoples due to climate change.
11. That the UN adopt a new protocol to succeed the Kyoto Protocol.

12. That the UN declares that Indigenous Peoples have the right to clean air and atmosphere free of excessive GHG pollutants.

### **l) Militarisation**

The following recommendations on militarisation were endorsed by the meeting:

1. The UN and its relevant institutions and agencies should investigate gross violations of human rights perpetrated in the Pacific region in recent decades by military forces with a view of providing redress for the victims of those violations and bringing the perpetrators to justice.
2. That the UN emphasise the need for demilitarization of the lands and territories of Indigenous Peoples.
3. That military activities cannot take place on Indigenous lands without the free prior and informed consent of their traditional owners and after agreement on fair and just compensation and, where possible, with the option to return to their traditional lands.
4. That relevant lands and territories of Indigenous Peoples be demilitarized.

### **m) Decolonisation**

The following recommendations on decolonisation were endorsed by the meeting:

1. That States recognise the forceful removal of Indigenous Peoples from their Islands in the Pacific to work the sugar cane and other industries such pastoral and maritime industries.
2. That the UN urge the Australian Government to apologise and make repatriations and compensation to the descendants of those affected and to support them to locate their families, places of origin and restore their identity.
3. That the Human Rights Council require that the Universal Period Review process be extended to oblige all States to report annually on their implementation of the Declaration with particular attention on Articles 28 and 37.
4. That States act in good faith at all times in relation to Indigenous Peoples, particularly in the context of international diplomacy, and recognise the Indigenous traditional land owners, in accordance with articles 24, 25, 26, 27, 28, 29 and 30 of the Declaration.
5. This meeting supports the ongoing call by Indigenous People of the Pacific for States to be placed back on the list for decolonisation.

## **n) Equality and Non-Discrimination**

The following recommendations on equality and non-discrimination were endorsed by the meeting:

1. That all States in the Pacific fully comply with their responsibilities under the Convention on the Elimination of Racial Discrimination.
2. That the WCIP and UN address the increasing marginalisation of Indigenous peoples with disabilities.

## **o) Oceans**

The following recommendations on Oceans were endorsed by the meeting:

1. The definition of sustainable development should be amended to “development which respects the ability of the ecologico-spatial interrelationships between various components of the environment/fonua to meet the needs of present and future generations of human beings without compromising the ecological sustainability and permanence of the environment/fonua”.
2. That the UN reiterate its recognition of the inherent and spiritual and cultural relationships of Indigenous Peoples with their oceans and the flora, fauna and natural resources therein.
3. That the UN acknowledge that, in terms of lands, territories and natural resources, Indigenous people’s consider “dry” and “wet” lands as being of equal significance.
4. That States recognize the dual and devastating threat of climate change and unsustainable harvesting practices on the oceans’ fisheries, and the subsequent urgent imperative to take active measures to protect that natural resource.
5. That Indigenous Peoples free, prior and informed consent is obtained in the Pacific before any commercial exploitative activities, particularly any harvesting of threatened or at risk flora and fauna (such as whales), are carried out in the Pacific.
6. That the UN urges compliance by States and corporate entities with environmentally responsible harvesting methods and standards.
7. That all States empower indigenous youth to take the lead role in protecting and managing their environment.
8. That all States empower Indigenous youth to enable their equal participation in the design and implementation of international, national and domestic

policies/mechanisms related to protection and management of their environment.

9. That the UN strictly monitors corporations who are engaged in exploration and extraction of natural resources from the sea bed.
10. That the UN develops guidelines for States and corporations related to sea bed mining activities.
11. That extractive industries and commercial industries including tourism and recreational industries must obtain free, prior and informed consent when extracting natural resources.
12. That the UN urges States and companies to fully respect the principles and the spirit of international agreements in relation to Indigenous Peoples rights, resources and territories and that all activities that exploit resources from the Pacific Ocean requires environmental, social and cultural impact assessments to ensure that there is free, prior and informed consent of the Indigenous Peoples owners of the lands, territories and resources.
13. States and businesses are urged to ensure that all entities engaging in activities using the Pacific Ocean, such as trade, sea bed mining and exploitation of tuna and other fish resources, take responsibility for any pollution that is generated from it that will ultimately destroy the marine resources that the people of the Pacific depend on.
14. Urge the UN to ensure that “distant fishing nations” using the Pacific Ocean do not discard their old ships onto the reefs of the Pacific Ocean.
15. Urge the UN to ensure States respect the rights of small island states in the Pacific in respect of the utilization of resources in international waters and areas beyond national jurisdiction. That the UN review the UN Convention on the Laws of the Sea to ensure that it takes in the concerns and rights of Indigenous Peoples enshrined in the Declaration.

#### **p) The Declaration and an optional protocol**

The following recommendations on the Declaration were endorsed by the meeting:

1. That States commit to engaging in formal dialogue with Indigenous peoples, and their National Human Rights Institutions, to design and develop a National Strategy to give full effect to the Declaration which includes monitoring and evaluation and annual reporting as to the progress of such implementation.
2. That all States provide financial assistance to Indigenous peoples and organisations to assist them to fully realise their human rights in accordance with article 39 of the Declaration. In particular to:

- i. Support Indigenous peoples' effective engagement in the development of a National Strategy;
  - ii. Build capacity at the community level to raise awareness and understanding about the rights contained with the Declaration;
  - iii. Empower Indigenous peoples and their organizations to work with States to implement the National Strategy within their communities.
3. That the UN table an optional protocol or treaty on the Declaration at the WCIP 14.
4. That the UNGA ensures that all states fully comply with their obligations under international Indigenous peoples' rights law, including honouring the commitments made in Declaration on the Rights of Indigenous Peoples.

**q) Respecting and Protecting Cultural Heritage**

The following recommendations on cultural heritage were endorsed by the meeting:

1. That States who have adopted the Declaration should enact legislation to bring it into domestic force by 2016.
2. That the UN set up a body to monitor the compliance of the Declaration performance by member States.
3. That UNGA recommend that culture is integrated into the millennium development goals as a pillar of any sustainable development strategy.
4. That the UN reinforce the recommendations from the EMRIP study on the role of languages and culture in the promotion and protection of the rights and identity of Indigenous Peoples.
5. That States are reminded that they have a duty to ensure the maintenance and, where necessary, revival of Indigenous languages.

**r) Treaties, agreement and other constructive arrangements**

The following recommendations on treaties were endorsed by the meeting:

1. States that have not affected a treaty with their Indigenous Peoples do so as a matter of highest priority.
2. That the UN develop a regional Tribunal of Justice, including in the Pacific region to hear the territorial disputes between each respective government and the Indigenous peoples that inhabit their land. Such matters could either be settled through adjudication or other methods of dispute resolution through impartial parties.