

LATE TESTIMONY

Testimony in Support HCR 235

Aloha Kakou:

I am fully in support of the Hawaii legislature's adoption of the ILO Convention 169 (Convention Concerning Indigenous and Tribal Peoples in Independent Countries).

I first want to congratulate those who took the time to recognize the importance of this ILO convention, which in a way recognizes the work of the ILO itself in the field of Indigenous Peoples rights development, a forerunner to the United Nations' Declaration on the Rights of Indigenous Peoples.

Although it is not as well known as the United Nations, the ILO is an international governmental organization made up of almost as many state members as the U.N. It was formed in the early part of the 20th century following a theory that the labor movement was one of the best ways of bringing about social justice. It is an organization made up of three sections, governments, labor unions, and employers. It is one of the most active organizations in the international arena working on social justice, and was one of the earlier winners of the Nobel Peace prize.

The conventions of the ILO is just as binding upon those member states which sign on to them as any other international convention is, and the ILO holds reviews of each country to see to what extent those members have worked toward the national adoption or "ratification" of these conventions. Today, the ILO Convention 169 is the only convention in the international arena open for ratification which specifically addresses the rights of indigenous peoples.

Should the Hawaii legislature indicate its favor with ILO Convention 169, I am sure it would be noticed by the ILO in its review of this convention.

On June 27th 1989, the International Labour Organization (ILO) Convention 169 was adopted. Today, it is ratified by 20 countries. This Convention is the second international human rights instrument to deal specifically with the human rights of indigenous peoples. The first international instrument was ILO Convention No. 107, which was adopted in 1957 following an assimilation approach to indigenous peoples. Indigenous peoples around the world called for the adoption of new standards -- standards that would recognize indigenous peoples' right to exist as separate, distinct peoples.

I had been associated with the World Council of Indigenous Peoples (WCIP) as its politically spokesperson at the United Nations and the ILO in the 1980's and had been one of the voices leading the outcry over the earlier ILO Convention 107 and its approach of assimilation of indigenous peoples, called "populations" in those days. In response to the voices of indigenous peoples, the ILO agreed to review its earlier convention. I was designated by the ILO to act as the indigenous expert during its review process, and in

consultation with indigenous peoples from various parts of the world, I attended and spoke on behalf of the indigenous peoples at the ILO in Geneva, 1987.

After three years of working on this revision process, the ILO General Assembly adopted a new convention which is today, Convention 169. This convention made major breakthroughs in indigenous peoples' rights and in fact led the way for the United Nations to step up its draft project of the subsequent U.N. Declaration of Rights of Indigenous Peoples, which followed approximately 20 years later.

One of the major changes fought over and eventually won was the change of the term "populations" to "peoples". This was always a very sensitive area in international law, for "peoples" are entitled to the right of self-determination. After strong and very aggressive debate at the ILO, we were finally able to achieve this major change by an international body. With this win at the ILO, when we went across to the United Nations and addressed the UN Working Group on Indigenous Populations in its draft of a rights standard, it was now inevitable that the adoption of the term peoples would be successful.

On that simple change in one term, the recognition of the right to self-determination became ingrained in the regard for indigenous peoples throughout the world.

This ILO Convention 169, followed by the U.N. Declaration on the Rights of Indigenous Peoples, today gives all of us, here in Hawaii and around the world, a new paradigm in which to work with our indigenous peoples, not from an approach of assimilation, but from one of self-determination.

Assimilation followed a policy to moving the indigenous peoples into the majority society, as though the indigenous are backward in the development into civilization and must be brought forward with new languages, new technology, new medicine, new religions, new government structures, etc. "New" generally meant "Western". It always reflected the economic and militarily dominant society.

Self-determination respected the integrity of all peoples and recognized the rights of peoples to unfold into their futures as they choose. It meant that all peoples have the right to their own languages, the respect for their technologies, their medicines, religions, government forms, etc.

I wholeheartedly support your adoption of this resolution.

Poka Laenui, President
Institute for the Advancement of Hawaiian Affairs