Dialogue

The World Council of Indigenous Peoples

AN INTERVIEW WITH PÔKĀ LAENUI

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The World Council of Indigenous Peoples
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(Hayden Burgess)

The World Council of Indigenous Peoples (WCIP) is an international nongovernmental organization with members drawn from indigenous rights organizations around the world. Five regions are represented at present: Scandinavia, South America, Central America, North America, and Asia and the Pacific. The WCIP engages in human rights advocacy at the international and regional levels. It maintains a consultative role with the United Nations (through the Economic and Social Council—ECOSOC) and the International Labor Organization. The Asia-Pacific branch was involved in drafting a charter of human rights for the Pacific Islands in 1989. A Hawai‘i-based indigenous rights activist, Pōkā Laenui is a vice president of the WCIP, and director of its Asia-Pacific branch. He discussed the role of the WCIP and other related issues in an interview with THE CONTEMPORARY PACIFIC on 29 September 1989.

TCP Tell us something about the history and present role of the World Council of Indigenous Peoples.

PL Very briefly, in 1975 Canadian Indians invited a number of indigenous peoples from different parts of the world to a conference in British Columbia. There they concluded that if self-determination was to be a reality for indigenous peoples, then indigenous peoples must start practicing it by speaking for themselves at international forums such as the United Nations. Further, indigenous people must replace nonindigenous people in control of development programs designed to fulfill indigenous aspirations. What was needed was an international organization of indigenous peoples. Thus, the World Council of Indigenous Peoples was born.

The council first consisted of indigenous organizations from five regions of the world, Scandinavia, North America, Central America, South America, and the Pacific. We have been actively advocating indigenous rights at many international forums for almost fifteen years. We are also engaged in encouraging indigenous control over development programs, primarily in Central and South America.
TCP  Why did you become involved with the WCIP?

PL  After a period of battling with the government in and out of the courtrooms, I came to realize that we in Hawai‘i could not continue advocating our rights to self-determination before the American courts and Congress. To do so would be like asking a thief to sit in judgment of itself. Without getting too much into the history of Hawai‘i, essentially the facts are that the Americans invaded Hawai‘i in 1893 and established their structure of government and social control up to the present time. The dilemma we face is how to get the United States of America to realize that it is delinquent and to afford us Hawaiians the space to exercise our right to self-determination.

I concluded that we needed to enter the international arena in order to restore Hawai‘i to the equal status with other nations that we enjoyed before the American invasion. So I began a search for an international avenue. In 1984 I attended the Pacific regional meeting of the WCIP in Canberra, Australia, and was very happy to find this organization could serve as an avenue to have our Hawai‘i case heard by the international community. I was invited to become a member of the regional organization. In late 1984 I attended the General Assembly of the WCIP.

TCP  Now you have an Asia-Pacific branch? How did that come about?

PL  Having joined the WCIP and been elected one of its two vice presidents, I was given general responsibilities for international human rights advocacy. I soon found that we were hearing many North American and European voices, and some from Central and South America. But when it came to the Pacific and Asia, almost no one was making representations. I tried to bring whatever little knowledge I had of the region to these international arenas. But it wasn’t sufficient. So I decided to broaden the WCIP base by expanding our Pacific region to take in Asia. In 1987 we held a meeting in Hawai‘i and expanded into the Pacific-Asia Council of Indigenous Peoples.

TCP  What are the major goals and achievements of the WCIP so far?

PL  One is to bring about greater opportunities for indigenous peoples to control their own lives and futures. A second goal is to bring indigenous thoughts into serious consideration as we address the care for our common mother—the earth.
What have we achieved? A number of things: We've helped change the direction of thought in the institution which had the only international convention dealing specifically with the treatment of indigenous peoples—the International Labor Organization's Convention 107. From a policy of integration of indigenous peoples into the mainstream of society, the new ILO Convention (169) has adopted an underlying policy of empowerment of indigenous peoples, respecting their political institutions and processes, and their right to retain their traditions, cultures, and various forms of social order. We find in the new convention tremendous expansion of land rights not previously recognized. We find the new convention placing a much higher importance on collective as opposed to individual rights of people.

Furthermore, we've played a major role in contributing to the drafting of a United Nations Declaration of Rights of Indigenous Peoples. That drafting process is still proceeding, but it is important to appreciate that to have given this process serious thought fifteen years ago would have been considered preposterous. Today, indigenous rights are given very serious consideration in international circles. The WCIP has been a major contributor not only through our interventions placed before that UN working group but also by our process of consulting with our member organizations on indigenous rights issues and by encouraging and supporting their attendance at these United Nations functions.

We have also consulted with governments and intergovernmental organizations to help bring about understanding and peace within countries, especially in South and Central America. Of course, the WCIP has not been the only actor in these fields. A number of other nongovernmental organizations, both indigenous and nonindigenous, have played roles also.

TCP How would you deal with a situation where collective rights come in conflict with individual rights, especially in states that subscribe to Western ideas of democracy, freedom of speech, equality of opportunity, and so on?

PL It's difficult to answer the question unless we deal with a specific situation, and analyze the precise rights that are in conflict. Let's take for example a situation in Hawai'i. Suppose we have an incident in which a person is killed by another person. Now immediately what comes to mind is two different systems of resolving the conflict. One is the Western sys-
tern of going through a whole judicial process, which is not really a process of justice but a process of law. You either find the person guilty or not guilty, and penalize him if he is found guilty. This doesn’t really resolve the community or family concerns. Would it be more appropriate to put him through a judicial process and leave all the other hurts unresolved, or to go through a process of *hoʻoponopono* by which the community decides his guilt and appropriate punishment? They not only decide on punishment for the individual, but how to go about resolving the community conflicts that have been created by this incident. So which system should we promote? If it occurs in a Hawaiian community then we should have that community resolve it in its own way. If it occurs in an Americanized community, and that is the community that is injured, then it should be resolved in a Western way.

TCP  Do you draw a distinction between the plight of indigenous peoples in places like Hawai‘i or New Caledonia where they are in a minority, disadvantaged, and perhaps disenfranchised, and other island states where they are demographically dominant?

PL  More important than their proportionate population base is whether they truly control the government which rules over them. Take for example the situation in Guatemala, where the vast majority are indigenous people but they do not run their own government.

TCP  But in most South Pacific states the indigenous people do control the government.

PL  In most instances, but in Guam they don’t, in Kanaky they don’t, here in Hawai‘i we don’t, and there may be other instances. So the question is do they control or do they not control the government, and if they do, then what sort of rights should they afford the people who are not indigenous to that area?

TCP  Do you have any thoughts on that?

PL  Yes. I think the rights to be afforded have to be decided by the people themselves. Let’s consider Hawai‘i prior to the American overthrow. Based on Hawaiian culture, people of different races were seen, not necessarily as people of different races, but in terms of their relationship to ‘aina. So you have the terms *kama‘aina, hoa‘aina, kua‘aina, maka‘ainana*, all of them dealing with an individual and his relationship to the society.
Citizenship was not based on a person's race, but on his relationship to 'aina. Those who were citizens of Hawai'i were entitled to all the rights, privileges, and benefits. It was never a racial thing. Now that is the way I feel it should be in Hawai'i, because that is the underlying cultural basis upon which the nation was formed.

TCP So a Ha'ole or Pakeha who identifies himself or herself with Hawai'i or New Zealand should be included?

PL Within the Hawaiian cultural context it is appropriate for the Hawaiians to say that that person is included (as opposed to that Ha'ole or Pakeha deciding for him- or herself). Now can I be a colonist and force the application of that concept in Fiji, or Aotearoa, or in any other place? That obviously would be wrong. What we are trying to promote within the WCIP is the idea that simply because we are indigenous to an area, we do not have the right to deny the humanity of others. We are talking about respect for certain very basic human rights. Even within our organization it's hard, but we have to be able to overcome this reverse racism. That was not what the organization started out to be. We talk about being the underdogs because we are indigenous. But to become racist ourselves is just as bad.

TCP Which particular situations in the Pacific Islands would you regard as the most urgently needing attention, from your perspective?

PL I think that West Papua would perhaps be the most urgent. Kanaky would be right behind. Those two I would say would be first and second.

TCP Does the WCIP have a strategy to help along this process of decolonization?

PL The WCIP has hopes, but we don't have the economic viability to put any strategies into action. We have channels into the UN for anyone who wants to communicate through us. We can support a case, but our first preference is for people to present their case themselves. We believe that indigenous people should speak for themselves, rather than having even an indigenous organization speak for them. We can offer whatever services or avenues we have. But that's about it, because we are very poorly financed.
TCP  What about a situation where one set of indigenous people feels oppressed or discriminated against by another indigenous group within the same state?

PL  The internal colonization concept? I don’t know what the solution is. At the present time the WCIP has not had sufficient experience to really address that particular issue. The situations we have addressed so far are ones where foreigners have come to dominate.

TCP  The right to self-determination had a tremendous impact when it was applied to colonized peoples in the 1960s and 1970s. It was widely accepted, and the UN established some very powerful mechanisms for implementing it. Is the UN’s declaration of indigenous rights going to have the same impact in the future?

PL  It depends on how close in the future we are talking about. In the next ten years I don’t believe the declaration will result in anything similar to the decolonization committee.

TCP  Why so long?

PL  I think simply because of the process involved. The first draft of the declaration of indigenous rights emerged two years ago. Since then it has been circulated, discussed, and redrafted. After it is finalized by the UN Working Group on Indigenous Populations, it must go to the Subcommission on the Prevention of Discrimination and Protection of Minorities, the Commission of Human Rights, ECOSOC, and eventually to the General Assembly. With all of these stages, we are talking about eight or ten years before it comes to the General Assembly. You have some very strong statements in the present draft declaration, and there is likely to be resistance.

TCP  You have been involved in all this for some time now. What have been the most fascinating and the most frustrating experiences?

PL  The most fascinating? I think it's the process of people changing and seeing movement. For example, back in 1977 we became very critical of Convention 107, which was regarded as a very liberal and advanced statement concerning indigenous peoples. It was eventually replaced by Convention 169. Instead of saying “we have to take care of these indigenous people and help to elevate them to our level of social development;” governments are now charged with ensuring that indigenous peoples are
empowered as much as possible to move into their future in their own ways. Major, major changes just within that convention.

The most frustrating experiences arise from the fact that we are all human beings, and suffer from ego problems. Organizations compete, and we confuse the need for respect for one another with a need for unity. We keep arguing that we should unite around this issue or that issue, but we miss the real point. That is that we must be able to respect one another even as we disagree. We haven’t come to that yet. That is very frustrating!

TCP What major challenges have indigenous peoples faced over the last ten or fifteen years?

PL One of the major challenges is the idea that self-determination is granted to us by our colonizers. We have to realize that self-determination is an inherent right, recognized by the international community. Let me give you a very specific example. The whole question of whether Guam should be independent or have some kind of relationship with the United States is generally perceived in terms of an agreement that has to be reached between the United States and Guam. But really the United States has no business deciding whether or not they will let a country go free. In the rest of Micronesia the United States has also acted as if it were the one to make the final determination regarding whether these people would be free, and under what conditions. We continue to allow the colonizer to decide whether or not to let its colonies go free.

TCP It has been noted that foreign domination is often facilitated by indigenous elites. In a sense they too have to be decolonized, to use your words.

PL I agree, and yet we have to be very careful here. Too often we march in tune with the liberal thoughts of the day. For example, today we are struck with the idea of democracy flowing through the Pacific. That is the way we are supposed to resolve issues. But I have seen how even these ideas have been abused, for example in Hawai‘i and New Caledonia. Sure, we can take a vote and decide an issue that way. But the colonizers manipulate the system, either by stating the question the way they want it, or by deciding who is going to participate in the electoral process. Is democracy what we are really looking for? Or are we aiming for some sense of righteousness? I guess the whole indigenous movement is not really the final movement. It just gets closer and closer to a more specific
identification of how to achieve this righteousness. At this point all we can say is that the colonizer is the first layer that must be lifted off, so that the smaller group can make decisions themselves. Now how do you protect or ensure righteousness even within that smaller group? I don’t know. But at least I know that the colonizer must be removed first. Decolonization is not an instant magic but a process of removing layers of colonization one at a time, layers ranging from military occupation and political control to elitism and other attitudes of domination. But the fact that we cannot reach immediately into those last layers of colonization should be no pretext for delaying the removal of the immediate layers of colonization.

TCP Many indigenous leaders in the South Pacific were trained by the colonial governments, and embrace Western concepts, such as democracy.

PL Indigenous peoples throughout the Pacific, and I suspect in other places, are forced to walk in two very separate worlds. When we’re educated in their system, conduct business, and move in the more public arenas, we walk in the white man’s world. Yet when we come back to our villages we are indigenous people. How do we still travel with only one spirit? If we break that spirit we become schizophrenic, and we cannot operate successfully in either world. So how can we walk in that foreigner’s world, yet be true to our indigenous self? That is, I think, a very serious challenge for many indigenous people.

TCP When you talk about walking between two worlds, but being a part of both, are you talking about some sort of accommodation?

PL I think that the historical legacy for many Pacific Islanders is one of frustration. It is the frustration that comes with asking how we got caught in a situation where we have to accommodate two worlds, especially since we did not invite these foreigners here in the first place. But, irrespective of whose fault it was, that is the present reality, and the question is, how do you deal with that reality? Taking the Hawai‘i example again, I say it is the dominant society which must make accommodations for all those who want to be citizens of Hawai‘i. What does that mean? It means that if we choose to live a particular lifestyle, to educate our children in our own ways, not to have to say a pledge of allegiance, or not to pay our taxes to the Yankee government, we should be able to. And foreigners must respect that right because we have never given it up. Those that choose to continue to walk in both worlds should have the right to do that.
TCP Is it possible to have democracy, Western education, and so on, within the framework of traditional lifestyles?

PL I think it is possible to live a traditional lifestyle and still have the benefits of the modern technology. I practice law out of a shack, in the back of a yard. I have my computer there, I have my fax machine there, I have my copy machine—I'm in contact with the world! But it allows me to be out on the land. Whenever I get frustrated I can go out and dig weeds, plant taro, and peel coconuts. I think that modern technology really has to be adjusted to meet our needs rather than changing our needs to meet technology. So too with Western education.

TCP So you borrow from Western technology, but not necessarily from the values of the dominant culture?

PL Right, I always maintain the right to choose.

TCP Land is an important issue throughout the Pacific. What are your views on land ownership?

PL I have a very Hawaiian perspective on land ownership. Land is one of the five natural elements. Just as human beings cannot own the sunshine, or the water, we cannot own the land. But we bought into foreign ideas of land tenure a long time ago, and we're stuck with them. The long-range saving grace for most other Pacific Islanders is that their land has not become a commodity to be bought and sold, especially to foreigners.

In Hawai'i, we need to identify specific abuses occurring under the existing land system. I don't believe we should tolerate the conditions in Hawai'i where we have children being born in the bushes while we have Hawaiian homes being sold in Europe and America for millions of dollars. I don't believe that we should have investment land lying empty, while indigenous people can't find places to plant taro. So I don't believe in foreign ownership of land in Hawai'i. But I do believe that people who are living in Hawai'i and using land should continue to do so.

I believe that many of the problems have arisen because of the law that allows fee simple ownership. But if getting rid of fee simple titles is not the solution, not the means to bring about a readjustment of land, then let's find some other way.

TCP Many Pacific Island countries follow the capitalist model of development, but complain of the resulting harm to tradition. What about socialist models, community ownership of property, and so on?
I have a difficult time dealing with capitalistic, socialistic, or communist models. They are all based on an economic equation concerned principally with how to distribute profits. When we build on these, we miss all of the other elements of life that are so important to a society. How do you build a feeling of concern for your fellow human beings, for the community, and for the land? Those are the primary concerns which should direct our decision of what economic model we should embrace. Society’s values should dictate the models rather than be dictated by them.

Are you optimistic that governments and international organizations will respond to the kinds of things that the WCIP is trying to accomplish?

I think that governments are forced to respond favorably, because the public mood is toward a recognition of indigenous rights. For example, we have seen the ILO pass an important convention on the subject this year, in response largely to a changed perception of indigenous rights. Whether governments will implement these ideas at home, of course, is a completely different question. I am optimistic because indigenous peoples are now stronger advocates for their rights. We are learning to use the international system, and we are able to bring the word to more indigenous people that they do have rights. In Hawai‘i in 1959 we didn’t know about these things. We didn’t know that the United States was reporting to the United Nations about us, and that as a non-self-governing territory we were set for decolonization under the terms of the UN Charter. What happened in 1959 would not happen today. We have to be sure that other places now being scheduled for decolonization are also aware of their rights.

Appendix

World Council of Indigenous Peoples

Declaration of Principles

Principle I

All indigenous peoples have the right of self-determination. By virtue of this right they may freely determine their political status and freely pursue their economic, social, religious, and cultural development.
PRINCIPLE 2
All states within which an indigenous people live shall recognize the population, territory, and institutions of the indigenous people.

PRINCIPLE 3
The cultures of the indigenous peoples are part of the cultural heritage of mankind.

PRINCIPLE 4
The traditions and customs of indigenous people must be respected by the states, and recognized as a fundamental source of law.

PRINCIPLE 5
All indigenous peoples have the right to determine the person or group of persons who are included within their population.

PRINCIPLE 6
Each indigenous people has the right to determine the form, structure, and authority of its institutions.

PRINCIPLE 7
The institutions of indigenous peoples and their decisions, like those of states, must be in conformity with internationally accepted human rights, both collective and individual.

PRINCIPLE 8
Indigenous peoples and their members are entitled to participate in the political life of the state.

PRINCIPLE 9
Indigenous peoples shall have exclusive rights to their traditional land and its resources, and where the lands and resources of the indigenous peoples have been taken away without their free and informed consent, such lands and resources shall be returned.
DIALOGUE

PRINCIPLE 10

The land rights of an indigenous people include surface and subsurface rights, full rights to interior and coastal waters, and rights to adequate and exclusive coastal economic zones within the limits of international law.

PRINCIPLE 11

All indigenous peoples may, for their own needs, freely use their natural wealth and resources in accordance with Principles 9 and 10.

PRINCIPLE 12

No action or course of conduct may be undertaken which may, directly or indirectly, result in the destruction of land, air, water, sea ice, wildlife, habitat, or natural resources without the free and informed consent of the indigenous peoples affected.

PRINCIPLE 13

The original rights to their material culture, including archaeological sites, artifacts, designs, technology, and works of art, lie with the indigenous people.

PRINCIPLE 14

The indigenous peoples have the right to receive education in their own languages or to establish their own educational institutions. The languages of the indigenous peoples are to be respected by the states in all dealings between the indigenous peoples and the state on the basis of equality and nondiscrimination.

PRINCIPLE 15

Indigenous peoples have the right, in accordance with their traditions, to move and conduct traditional activities and maintain friendship relations across international boundaries.

PRINCIPLE 16

The indigenous peoples and their authorities have the right to be previously consulted and to authorize the realization of all technological and scientific investigations to be conducted within their territories and to have full access to the results of the investigation.
PRINCIPLE 17

Treaties between indigenous nations or peoples and representatives of states freely entered into, shall be given full effect under national and international law.

These principles constitute the minimum standards which states shall respect and implement.