

Permanent Forum on Indigenous Issues
Joint Intervention: Aotearoa

(Comprising the Te Rūnanga o Te Rarawa, Te Rūnanga-a-Iwi o Ngāti Kahu, and Aotearoa
Indigenous Rights Trust)

15 May 2012

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New York 7-18 May 2012

Item 4a:

Implementation of the United Nations Declaration on the Rights of Indigenous Peoples; and

Item 4b:

Dialogue with the Special Rapporteur on the rights of Indigenous Peoples.

Delivered by Catherine Davis (representing Te Rūnanga o Te Rarawa)

Madam Chair,

Honorable Indigenous brothers and sisters (in particular, our relatives in the Pacific Caucus and the Indigenous Peoples of this land);

Distinguished guests, including Special Rapporteur Prof. James Anaya; and
Other Delegates to the Permanent Forum:-

1. This joint statement is made on behalf of the Māori Iwi (First Nations Peoples') Authorities of Te Rūnanga o Te Rarawa, the Ngāti Kuri Trust Board, Te Rūnanga-a-Iwi o Ngāti Kahu and Ngāti Kahungunu Iwi Incorporation; as well as Aotearoa Indigenous Rights Trust and the "Aotearoa Not For Sale" Hikoī organizers (2012).

Recommendations

2. Madam Chair, remaining mindful of the ongoing impact of the "**doctrine of discovery**" on Indigenous Peoples, the Māori Caucus recommends that the Permanent Forum:
 - i. recommend to the New Zealand Government that it carries out a comprehensive review of New Zealand's **constitutional arrangements**, including meaningful consideration of:

- a. mechanisms for the recognition and protection of human and Indigenous rights; and
 - b. the Independent Constitutional Working Group's (Aotearoa Matike Mai) findings and recommendations;
- ii. strongly encourages the State Party to urgently implement transformation of New Zealand's constitutional arrangements, ensuring to obtain the **Free, Prior and Informed Consent** of Māori regarding any issues affecting them;
 - iii. acknowledges the intervention made today by the New Zealand Government Delegation, in particular its statement that it is "*committed to ensuring the fulfillment of the rights of indigenous peoples*" and that it reaffirms "[its] support for the Declaration [on the rights of Indigenous Peoples], its principles and its aspirations";
 - iv. That, in the interests of maintaining State Party integrity, the Permanent Forum enthusiastically challenges the New Zealand Government to align its aforementioned **words** of 'commitment and support' with its **conduct and performance**, by taking **urgent and concrete action** to fully implement the recommendations contained in the two **New Zealand Country reports** of the Special Rapporteur; and
 - v. strenuously encourages the State Party to:
 - a. fully recognize the profound impact which colonization has had in increasing the incidence of violence against women, suicide and other social ills amongst Māori; and
 - b. be mindful of this nexus when undertaking its constitutional review.

“Aotearoa Not For Sale” Hikoi

- 3. Madam Chair, last week saw the final day of a civil society march through New Zealand called the “Aotearoa Not For Sale” **Hikoi**. Initiated, led and hosted throughout the country by Māori peoples and communities, the Hikoi lasted over two weeks, was

joined and supported by tens of thousands of New Zealanders, and was officially supported by:

- a. Numerous civil society organizations (including Greenpeace and Global Peace and Justice Auckland);
- b. a host of Workers Union groups (including the Rūnanga arm of the Council of Trade Unions); and
- c. the Mana Political Party (which was born out of a commitment to providing an independent Māori voice in Parliament):-

...amongst others – all of which represent a significant group of the Māori population.

4. The Hikoī culminated with a rally on the steps of the New Zealand Parliament to demonstrate *unprecedented* opposition to a *multitude* of critical Government-led social justice and environmental issues including:

- a. **privatization and the continued sale** of our country's natural resources, land and public services to third party foreign investors;
- b. the **Trans Pacific Partnership trade Agreement** that places unconstitutional limits on Aotearoa's economic sovereignty;
- c. the **Food Bill** which violates the human right to food security of Indigenous Peoples' and citizens generally;
- d. **Petroleum and minerals** mining, fracking and other extractive activities that threaten our environmental security; and
- e. attacks against **workers rights**:-

...to name but a few. These and other **crimes against humanity** must be halted and prevented with the constitutional entrenchment and effective enforcement in Aotearoa of our Indigenous and Human Rights.

Violence Against Women

5. Madam Chair, we note the New Zealand Government's acknowledgement last week (brief, though it was) that colonization and "structural violence" are factors in terms of violence against women, suicide and other social ills amongst Māori. We would go further, however, and emphasize that the sustained intergenerational 'attack' of successive Government's colonization policies is itself a form of violence on our Māori peoples' indigenous identity and our core traditional values – including our people's sense of self-worth, and our societies' respect for our women.

Special Rapporteur on the Rights of Indigenous Peoples

6. In closing, we have two questions for the Special Rapporteur.

The Declaration on the Rights of Indigenous Peoples – Impact of Article 46

7. First, we heard earlier today the statement from the State Party concerning its commitment to ensuring the fulfilment of the rights of Indigenous Peoples, and to the Declaration. However, Māori understanding is that New Zealand's "commitment" to the Declaration is severely constrained by **Article 46** which reflects the right of States to act as they deem necessary to:

- a. *maintain* their "territorial integrity or political unity";
- b. *recognise* the rights of other non-Indigenous New Zealand citizens; and
- c. *meet* the 'just and most compelling requirements' of a democratic society.

8. Question 1: What strategic advice do you have for Māori, and indeed all Indigenous Peoples, in terms of implementing the Declaration – despite the impact of Article 46 which appears to give states arguable justification for choosing NOT to fully implement the Declaration?

A new "DRIP"?

9. Second, there has been some discussion at this session among Indigenous Delegates about the notion of 'rights' being somewhat foreign and contrary to our Indigenous values in terms of our natural relationship with the environment and with one another in this global 'human family' of ours. The notion that feels more correct and appropriate to us is the notion of **RESPONSIBILITY**: to protecting Mother Earth, and to one another as brothers and sisters.

10. Question 2: Do you see any practical value in the development of an internationally-recognised instrument more aligned with our inherent nature as Indigenous Peoples: for example, a Declaration on the RESPONSIBILITIES of Indigenous Peoples, to be supported by States?

Thank you Madam Chair.