

Permanent Forum on Indigenous Issues

Joint Intervention: Aotearoa

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

16th May 2012

11th Session

New York 7-18 May 2012

Item 5:

Future work of the Permanent Forum - Duty of the State to protect Indigenous Peoples affected by transnational corporations and other business enterprises

Delivered by Piripi Moore (representing the Maori caucus)

Mr Chair,

1. Honourable indigenous brothers and sisters - and in particular the first nations people of this land, other Delegates to the Permanent Forum.
2. This joint statement is made on behalf of the Māori Iwi (or first nations peoples') Authorities of Te Rūnanga o Te Rarawa, the Ngāti Kuri Trust Board, Te Rūnanga-a-Iwi o Ngāti Kahu, Te Whanau a Apanui, the Ngāti Kahungunu Iwi Incorporation and Aotearoa Indigenous Rights Trust.
3. We in the Maori caucus fully support the interventions of our relatives in the Pacific Caucus on the future work of the Permanent Forum.
4. However we would like to focus on the role of the Permanent Forum in regards to the activities of transnational corporations as they impact on indigenous peoples, and in particular how they impact on our people through the current actions and policies of the NZ Government. Indeed it is of very real concern that because of the NZ Government's commitment to the World Trade Organisation and a number of bilateral or multilateral free trade agreements, our rights are currently being threatened by multinational corporations, that are usually based far from Aotearoa New Zealand.

5. The first issue that we wish to draw to the attention of the Permanent Forum is the current rapid increase in the granting of government licenses to multinationals involved in extractive industries. For example, there has been in the last year a change in Government policy which effectively allows an oil company to prospect for oil on land without the consent of the people, subject to whom the land belongs. This clearly infringes the civil and political rights of all New Zealanders and particularly breaches the terms of Te Tiriti o Waitangi.
6. These actions of the Government are clearly privileging the interests of transnational corporations at the expense of our peoples interests and rights, and in the face of extensive opposition. Many of our people have clearly expressed their opposition in current treaty settlement negotiations with the Crown and a large number of people recently took part in a hikoi or protest march throughout the country to further signal their opposition.
7. That the Government seems determined to proceed in spite of this opposition is not just a breach of Te Tiriti o Waitangi but also a grave threat to the environment, especially with the large number of licenses granted to allow fracking or hydraulic fracturing.
8. We have submitted with our intervention, for the consideration of Permanent Forum, a statement by Te Whanau a Apanui which outlines a recent example of the actions and policies of the New Zealand Government and how these breach of UN Declaration on the Rights of Indigenous Peoples.
9. The second issue that we wish to draw to the attention of the members of the Permanent Forum, is linked to the privileging of multinational agribusinesses that was referred to earlier in our submission on food sovereignty. We can illustrate this particular issue by pointing out to the forum that NZ has in the last five years sold more land to overseas interests per capita than any other OECD country. Such land sales are of course in fundamental breach of Te Tiriti o Waitangi, but also take away from other New Zealanders the ability to farm and use the land. Just recently for example, the Government approved the sale of 16 large scale farms to Chinese business interests while ignoring competitive bids from potential New Zealand buyers, including iwi or Maori peoples to whom the land inherently belongs.
10. Mr Chair, the New Zealand Government seems determined to transfer so much of the land to transnational corporations that we who are the people of the land may soon have very little land to be the people for. That situation is not only a fundamental violation of the United Nation's Declaration on the Rights of Indigenous Peoples, but is also a direct challenge of the very essence of our being and our uniqueness. In a very real sense that seems to us, to be a 21st century application of the Doctrine of Discovery, in that it removes our control of our lands with a unilateral transfer to somebody else.

11. The third issue that is of concern to us is the ideologically driven commitment of the New Zealand Government to an ongoing series of so called free trade agreements that further privilege the interest of transnational corporations. For the last several years the New Zealand Government has been involved in the negotiations for a Trans Pacific Partnership Agreement or TPPA. This agreement is part of a pattern discussed in our earlier intervention on the New Zealand Food Bill, and is being negotiated with no involvement of Maori and in a secret manner which is both contrary to Te Tiriti o Waitangi and the fundamental principles of democracy. It was announced just recently by the Government that the terms of any final agreement will be kept secret until four years after the agreement is signed. We are not aware of any other agreement which so completely excludes indigenous people and indeed all people from both its process and its terms. In that regard it terms not only breach Te Tiriti o Waitangi and UN Declaration on the Rights of Indigenous Peoples but also the Covenant on Civil and Political rights.
12. The fourth issue of concern to the Maori Caucus is the current Government policy to sell what the Government calls State Owned Enterprises. These enterprises are in fact primarily based upon assets and resources originally taken from our people without their consent. This action by our Government has led to a number of iwi and other Maori organisations to seek an urgent hearing of the Waitangi Tribunal in an attempt to halt the process. To sell assets such as the water which drives electricity generation capacity of power companies is a clear breach of Te Tiriti o Waitangi. It is therefore of grave concern that we received the news earlier this week, that the Government will proceed with the sales in spite of the claim currently before the Waitangi Tribunal. That amounts to a denial of due process and will effectively force the Tribunal to either abandon hearing the claim or seek to adjudicate on the issue prior to the proposed sale which will effectively pressure the Maori claimants in a way that will prevent a fair and considered hearing.
13. Mr Chair, we do not have the time in this intervention to canvas in more detail the many inter related denials of just process that the unholy partnership between the New Zealand Government and transnational corporations is creating. In many ways the New Zealand Government is embarking on a policy of land and resource confiscation that is no different than its predecessor unleashed on our people in the 19th century. We urge the members of the Permanent Forum to strongly resist such policies as they are applied at home and indeed in the territories of other Indigenous Peoples.

To that end we make the following three recommendations.

1. That the members of the Permanent Forum establish an independent international monitoring group to ensure that States are complying with the provisions of UN Declaration on the Rights of Indigenous Peoples in regards to emerging and existing trade agreements and State endorsed transnational activities.

2. That the Permanent Forum urge the New Zealand Government that a moratorium be placed on any further sales of Aotearoa's land to overseas interests.
3. That the Permanent Forum urge the New Zealand Government to place a moratorium on any potential environmentally damaging extractive industries and immediately rescind its policy of licensing without the consent of the people of the land.

Thank you Mr. Chair.