

New Zealand Permanent Mission to the United Nations



Te Māngai o Aotearoa

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Item 4 New Zealand Statement on Human Rights

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Check against delivery

The New Zealand Government remains committed to ensuring the fulfillment of the rights of indigenous peoples, as expressed by the General Assembly's Declaration on the Rights of Indigenous Peoples. The Declaration provides an important mechanism for the pursuit of indigenous peoples' rights and we are pleased to be able to reaffirm our support for the Declaration, its principles and its aspirations.

The principles and aspirations of the Declaration are at the foundation of the continued dialogue between Maori and the New Zealand Government. The rights reflected in the Declaration are given effect through a range of measures in human rights law and under the Treaty of Waitangi. This process is an ongoing one that commenced before the Declaration was adopted in 2007. The Declaration has provided a further connection between New Zealand's continually evolving practices and principles, and current and developing international human rights standards.

The role of the Declaration in these measures has been cited both in the Waitangi Tribunal and in the New Zealand Supreme Court, and through the work of the New Zealand Human Rights Commission. The Commission's work has included the translation of the Declaration into Te Reo Māori.

New Zealand welcomed Special Rapporteur Anaya's visit to New Zealand in 2010, and his subsequent report. We support the Special Rapporteur's continued engagement with states and indigenous peoples, and thank him for his continued hard work to address issues faced by indigenous peoples.

We are pleased to report progress on some of the issues that Professor Anaya raised in his report, in particular the role of the Treaty of Waitangi in New Zealand's constitutional arrangements. This is one of the subject matters outlined in the terms of reference that the Government has set for the New Zealand's constitutional review which we discussed in this Forum last week. The process will include a review of Māori electoral participation as well as representation in Parliament and in local government.

Māori are involved in a range of decision-making procedures, where their customary or other interests are concerned. For example, Māori have negotiated arrangements for co-governance of some natural resources with the Government through the Treaty settlement process. Similarly, Māori now work together with the Department of Conservation (which manages Crown-owned conservation lands and National Parks) and regional authorities to develop regional policy statements and participate in the management of natural resources.

New Zealand welcomed the Special Rapporteur's endorsement of the Whānau Ora programme, being an inclusive approach to providing services and opportunities to whānau or families with the aim of empowering them to be healthy and economically secure in taking control of their future.

New Zealand has also taken note of the Special Rapporteur's concerns about customary rights over the marine and coastal area. Since Professor Anaya's report, Parliament has enacted the Marine and Coastal Area (Takutai Moana) Act 2011, repealing the Foreshore and Seabed Act 2004. The Act provides two routes for the recognition of customary interests: through application to the High Court or through reaching a recognition agreement with the Crown. Also since receiving Professor Anaya's report, the Wai 262 Report of the Waitangi Tribunal has been released which concerns flora, fauna and cultural intellectual property. The Wai 262 Report was the subject of an intervention by the Maori caucus last week.

The report is the Waitangi Tribunal's first whole-of-government inquiry and addresses the work of more than 20 departments and agencies. The Tribunal's report focuses on the protection of Māori culture and identity, with a particular focus on mātauranga Māori and associated taonga. The principle of partnership is a key theme in the report.

Thank you.