

NATIONAL MAORI CONGRESS

UNITED NATIONS  
COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of Discrimination and  
Protection of Minorities

WORKING GROUP ON INDIGENOUS PERSONS  
Tenth Session

AGENDA ITEM 5 : REVIEW OF DEVELOPMENTS

Presented at Geneva on 29 July 1992

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92.WGIP/OC.NZL/2

# NATIONAL MAORI CONGRESS

The founding constitutional document of Aotearoa New Zealand is the Treaty of Waitangi, signed by the British Crown with the indigenous Maori tribes in 1840. The Treaty of Waitangi established the partnership between Maori and the Crown, a partnership which has developed over the past 150 years into a far less than equitable one for Maori.

The national Census figures approximate the 1991 Maori population as being 431,000 or 15% of the total national population. The Census data however defines Maori as those people choosing to confirm their Maori descent for the purposes of national statistics. At least 81,000 do not. The 1991 National census was the first Census to ever attempt to collect data on specific tribal as well as general Maori number. Tribal statistics on their own membership however, determined by genealogy, consistently indicates a higher number than the national figures.

Maori tribes are united by a common language (Maori), a shared history and common cultural values and traditions. More recently Maori have also been united politically through the establishment of the National Maori Congress.

Maori have a traditional philosophy on the environment and its development which incorporated four main concepts; Totemism, animism, reciprocity and guardianship. These are founded in our view of how the earth was formed and how people came to inhabit earth. Maori acknowledge Ranginui, the Sky Father and Papatuanuku, the Earth Mother, in all aspects of life. To further cement the bond with earth, each iwi/tribe is identified by its relationship with its own particular mountain and river. This identification forms the basis of tribal mana/pride and dignity.

Unlike many other indigenous peoples whose members primarily occupy reservation settlements or isolated land areas traditionally exclusive of non-indigenous inhabitants, Maori people and traditional tribal lands occupy the total land mass of Aotearoa, New Zealand. This means that Maori inhabit the full range of geographic variety found within the country; coastal, inland and estuarine settlements, mountain, desert, forest, and pastoral land areas. It also means that Maori have limited autonomy over the lands they occupy, including traditional tribal lands. The bulk of the Maori population now resides in urban centres.

Maori have been completely susceptible to the development values, priorities and policies of the successive governments. The most glaring example of this would be the devastating alienation of many tribes from their traditional lands due to the never ending need of successive governments to acquire lands for

settlement and development purposes. Now, less than 5% of the total land mass is Maori owned and managed. 185 claims have been lodged by Maori tribes and individuals with the Waitangi Tribunal, the national body charged with hearing grievances arising from non-compliance with the Treaty of Waitangi. Of the 100 claims still outstanding, 90% of those relate to tribal/regional environment and development issues, particularly relating to land ownership and fisheries.

Tribal developmental initiatives are still determined by regional and national policies. This factor along with the paucity of accurate and current tribal statistics have made any long term responsive and effective self-management development planning difficult to carry out. Instead, Maori as well as the rest of the national population have had to live with the development values of government. While the environment has been affected by such values, the destruction has been nowhere near as devastating as the effect such policies have had on the Maori population.

Maori people are grossly disadvantaged socially, economically, culturally and healthwise. This is due in part to specific development and settlement schemes but can also be attributed to an often violent history of colonial domination. Maori have a lower life expectancy than other New Zealand nationals, they have one of the highest asthma death rates in the world, and high incidence of death due to various forms of cancer, especially lung cancer. Maori feature prominently as the labourers in many of our nation's development projects, and in particular pulp and paper mills and mining, and as such have been directly affected by negligent health and safety practices of their employers. Likewise pollution of our lands, waters and atmosphere caused by the very industries who employ Maori, is also a major concern. Our socio-economic situation often leaves Maori vulnerable.

Some of the solutions for Maori, are common to other peoples:

- 1 The right to self-determination.
- 2 The settlement of outstanding land and resource grievances.
- 3 The active participation in all matters affecting livelihood.
- 4 Self-management of resources.
- 5 Self-management of the provision of health services and in particular health promotion.
- 6 Recognition and respect for traditional knowledge.
- 7 The provision of financial resources necessary to implement the above.
- 8 Access to and participation in relevant and appropriate education and training.

## BACKGROUND ON THE NATIONAL MAORI CONGRESS

1. The National Maori Congress was formally established on 14 July 1990 by the United Tribes of Aotearoa New Zealand. The geographic distribution of Congress covers the full territories, land and sea of Aotearoa New Zealand. Congress is made up of 45 participating tribes and bodies who in turn represent some 431,000, being the Maori population of Aotearoa New Zealand. Maori are the third largest indigenous population in the Pacific.

2. One of the major objectives of the National Maori Congress is to provide a national forum for participating tribes to address economic, social, cultural, environmental and political issues within a Maori framework, and to advance a unified national Maori position on significant policy matters both nationally and internationally. This is achieved through regular meetings of congress delegates (approximately 250), and through the ongoing work of ten committees set up to focus on the development of congress itself and to address significant issues on behalf of congress.

3. Congress was established to be administratively financially independent of the Crown and is therefore funded by its constituents. Tribes and other bodies pay an annual levy to support congress, but through its advisory work, it also contracts for services. This provides a cash flow allowing greater autonomy and a highly professional and coordinated approach to its work.

4. The congress committees concerned with specific issues are: JUSTICE, EDUCATION, EMPLOYMENT, HOUSING, FISHERIES, GOVERNMENT REVIEW and INTERNATIONAL. The remaining three committees are concerned with the administration and development of congress itself. All committees are staffed or convened by tribal nominated personnel and the work of all committees is referred back to the 45 participating congress tribes, for endorsement and further action.

## REVIEW OF DEVELOPMENTS OF THE INDIGENOUS PEOPLES OF AOTEAROA

1. Attendance at WGIP: This marks the first time congress has attended WGIP. It earlier participated in the UNCED Earth Summit in Rio De Janiero, Brazil and the UN Conference on Indigenous People and the environment in Santiago, Chile.

2. In March this year, congress sent its response to the UN Treaties Study as well as the technical meeting.

3. Congress gives support to the important work of this Working Group and recognises the efforts of those, especially the

indigenous representatives who devoted so much time to the drafting of the emerging "Declaration". It is our wish to help build on that work.

4. Reference has been made over the course of this current session to the work of the Waitangi Tribunal. This organisation was set up by government to hear Maori grievances, particularly how their interests have been prejudiced by official action and to make recommendations to the government as to how these might be redressed. Also, despite good intentions; there are some significant flaws in the process that must be addressed:

- Its members are government appointees
- It is under-resourced and understaffed and as such, long delays are being experienced.
- It has only recommendatory powers which means that government is still the final arbiter of its own decision and may choose not to follow the recommendations of the tribunal.
- The government is currently reviewing the tribunal with a view to further diminishing its powers and the scope of its review capability. Particularly as it relates to recommendations affecting private land.



5. Other advancements have been made in setting up Joint Crown and Maori; Crown/congress working parties with members appointed by each side to address fisheries and land matters, particularly as these relate to the allocation of ownership rights.

6. that the National Maori Congress was able to negotiate a position as a Treaty Partner on the official New Zealand Government delegation to both UNCED Prepcom in New York and the UNCED Earth Summit in Rio marked a political achievement unprecedented in the history of Maori and Crown relations in the 152 year history since the signing of the Treaty of Waitangi.

7. The presentation of the gold medallion of UNCED for heads of state to the Arikinui -- the Maori Queen and a patron of the NMC further enhances that achievement for Maori.

8. Having received some status and recognition at UNCED, Congress is confident that sufficient common ground can be established with the New Zealand Government on the draft declaration to allow for congress inclusion at an official delegation level. This has clearly not happened yet but congress looks forward to the day when government will demonstrate more confidence in its Treaty partners.

Madam Chairperson: Congress has a number of planned activities for the UN International Year for Indigenous Peoples. Beginning at the end of 1992 to witness the dawning of 1993 atop the sacred mountain of Hikurangi which is the first place on earth to welcome each new day.

Congress also looks forward to the UN events of 1993 and the UN Meeting on world population in 1994; just some of the many events of vast importance to the indigenous peoples of the world.

Uia mai, he aha te  
mea nui o tenei āo  
maku e ki atu  
He tangata, he tangata

Should I be asked what is the  
most important thing in this world  
this would I well reply  
It is people, it is people.

YEAR OF INDIGENOUS PEOPLES 1993. AOTEAROA. NEW ZEALAND

NATIONAL MAORI CONGRESS:           Planned International Activities  
Aotearoa/New Zealand

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JANUARY 1 - 8, 1993

INTERNATIONAL CONFERENCE ON  
INDIGENOUS PEOPLES SOVEREIGNTY

VENUE:

HIKURANGI, RUATORIA

CONTACT:

TAMATI REEDY  
P O Box 5236  
WELLINGTON, NEW ZEALAND  
Fax: 64-4-499-1418

JUNE 13 - 17, 1993

INTERNATIONAL CONFERENCE ON  
INTELLECTUAL AND CULTURAL PROPERTY  
OF INDIGENOUS PEOPLES

VENUE:

KOKOHINAU MARAE  
TE TEKO

CONTACT:

JOE MASON  
P O Box 76  
WHAKATANE, NEW ZEALAND  
Fax: 64-7-307-0762

OTHER PLANNED INTERNATIONAL ACTIVITIES

FEBRUARY 3 - 7, 1993

INTERNATIONAL CONFERENCE FOR  
INDIGENOUS WOMEN

CONTACT:

MARION ANTONIEVICH  
NATIONAL SECRETARY  
MAORI WOMENS WELFARE LEAGUE  
24 BURNELL AVENUE,  
WELLINGTON, NEW ZEALAND  
Fax: 64-4-499-6802

FEBRUARY 12 - 18, 1993

INTERNATIONAL SPIRITUAL LEADERS  
CONFERENCE

CONTACT:

PAUL TAI  
R D 6 TAUMARUNUI  
AOTEAROA/NEW ZEALAND  
Fax: 64-7-895-9021

MARCH 1 - 15, 1992

INTERNATIONAL SYMPOSIUM OF WEAVERS

CONTACT:

TE WAKA TOI  
P O Box 5361  
WELLINGTON, NEW ZEALAND  
Fax: 64-4-471-2865

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MAORI DELEGATION

AOTEAROA

- \* In 1987 the Treaty of Waitangi Policy Unit (T.O.W.P.U.) was established in the Department of Justice to assist the settlement process of Claims that had been heard to give effect to the recommendations of the Tribunal. It provides for negotiation of the Terms of settlement of Claims and also provides for DIRECT NEGOTIATION OF CLAIMS. By-Passing the Tribunal stage.

Whilst this may be seen on it's face to be positive the results have been less so.

- Negotiations have been clogged by apparent unwillingness of officials to deal with contentious issues, which reflects both the ability and seniority of officials to make decisions.
- There has been no consistent and clear procedure for settlement.
- The lack of independence and the appointment of "Poaches" as the "Game Keeper" has seen a steady flow of resources away from the claimants and the Tribunal to the Justice Department.
- In it's four years of existence only one case of any consequence has been completed.