

HUMAN RIGHTS  
COMMISSION



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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION AND PROTECTION OF MINORITIES

WORKING GROUP ON INDIGENOUS POPULATIONS  
TENTH SESSION, 20-31 JULY, 1992.

ITEM 5: REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION  
AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF  
INDIGENOUS PEOPLES INCLUDING ECONOMIC AND SOCIAL RELATIONS  
BETWEEN INDIGENOUS PEOPLES AND STATES.

STATEMENT OF THE HUMAN RIGHTS COMMISSION.

BY COMMISSIONER DR. ERIHAPETI MURCHIE

TANE WHAKAPIRIPIRI E TU  
 PAPA TAPU KI WAHO E TAKATO  
 RAU RAKATIRA MA TENA KOUTOU  
 TENA KOUTOU ME KA TINI AITUA  
 KEI RUKA I A TATOU KATO A HAERE, HAERE.

KI KA PU KORERO MO TE IWI  
 KA KARAKATAHA MAHA  
 TENA KOUTOU ARCHIE ME MOANA  
 ME TE RAUKURA O NGATI TE ATA, NGANEKO.  
 KA MIHI KI TAKU TAMAHINE MIRIAMA, TE KOTIRO AROHA  
 ME TAKU HOA RAKATIRA MAICOLM  
 TENA KOUTOU KATO A

Madame Chairperson

As an indigenous person and a Human Rights Commissioner of Aotearoa New Zealand it is my privilege to greet you Madame Daes and to thank you for this opportunity to address agenda item 5.

The Commission warmly acknowledges Working Group co-experts Professors Martinez, Hatano, Chernichenko, Madame Attah and their contributions to the draft Declaration on the Rights of Indigenous peoples. It welcomes, and offers its good wishes, to the newest member Professor Chernichenko. We would like to place on record our sincere appreciation of the guidance and support given by past member Professor Danilo Turk. At all levels of discussion his contribution and interventions were robust and useful.

To States representatives our respectful greetings, and our warm salutations to spiritual elders, chiefs, spokespersons of indigenous peoples gathered here. The spirit of wisdom that pervades this conference hall is a privilege to experience.

Madame Daes, the Human Rights Commission of Aotearoa New Zealand has a challenging TANGATA WHENUA statement which is its touchstone relative to the relationship of TAUIWI, post Maori settlers, and TANGATA WHENUA, the Maori. It is a publicly documented policy statement which supports Maori aspirations of equity in all spheres of human endeavour. It believes that the exercise of PARTNERSHIP implicit in the Treaty of Waitangi is absolutely necessary for the protection of human rights of all peoples domiciled in the beautiful islands of Aotearoa New Zealand.

The Commission considers that after more than 150 years the time for rhetoric is well past. It is time now for the action mode. To support its brave tangata whenua statement the Commission is in the process of establishing within its workforce two independent units which will work, in partnership, to service the needs of all peoples that make up our society. This creative development is laudable but the task is not an easy one. More than a century of Pakeha/non Maori deceit, antagonism and failure to appreciate Maori is countered by Maori distrust and suspicion of Pakeha. The environment is a difficult one in which to establish a trusting relationship, but the process is worthwhile.

Madame Daes in setting before you a review of developments pertaining to the promotion and protection of human rights in Aotearoa New Zealand I recall the words of Winstone Churchill. When describing his experiences as a prisoner of war he said; " The hours crawled by like paralytic centipedes". This simile appropriately describes the pace of development for Maori. There has been negligible progress during the past year towards the partnership implicit in the Treaty we signed with the British Crown in 1840.

After 17 years of the Waitangi Tribunal very few of the many claims for redress of the alienation of land and other losses have been settled. Chief Judge Eddie Durie, who attended this forum last week, has lead his team with skill, integrity and patience but the Tribunal has powers of recommendations only. The current government promised resolution of claims within 10 years. Unfulfilled promises made in recent election campaigns, however, have bred cynicism. The deferment of claim settlements is a deferment of progress and justice for the tribes concerned.

When a tribunal or any such agency is set up to consider the claims of indigenous peoples it is essential that:

... the recommendations are binding on the government otherwise there shall only be the shadow of justice instead of the substance

... a timetable for the implementation of recommendations be strictly adhered to

...indigenes share in the process of implementation

.. indigenes are represented, preferably on a 50-50 basis, and nomination and approval comes from the tribes-people themselves.

Education is a barometer of a peoples' progress, the vital key to social and economic success and an indicator <sup>of race relations</sup> within

society. It is a deplorable fact that all available information illustrate that Maori continue to be the country's gross underachievers. This is not because of lack of wit and intelligence but because of such factors as:

- .. monocultural dominance of the planning and development processes.
- .. lack of political will and vision:
- .. inappropriate policies.
- .. institutional racism.

Tribal despair deepens daily as disillusioned Maori youth, bruised by an insensitive education system that pushes them into a mould for which they are ill-suited, fail at an early level to achieve and turn to energy sapping, soul destroying activities, to dissolute ways, to crime.

Maori response has been to establish outside the system, learning initiatives such as KOHANGA REO, pre-school language nest, KURA KAUPAPA MAORI, language and cultural immersion classes at primary schools, and to encourage BI-LINGUAL classes at secondary schools. It is impossible for a Maori in straitened economic circumstances to sustain adequately the growth of these initiatives. For more than a decade limited resources have constrained development. State intervention, we have learned, certainly does not lead to the release of adequate state resources to enable the growth and development of the programmes to remain under Maori control. Control of the education of Maori children remains firmly in the hands of the Ministry of Education and there is reluctance to devolve authority. This is strange for the co-existence by churches and other interests has been accepted for decades.

Over the past year, Madame Chairperson, Maori have become more restive than previously. There are significant moves afoot to establish a Maori Education Authority that will have Maori achievement as its goal.

Aotearoa New Zealand is in an economic recession. The talisman of achievement has been a zero inflation rate supposed to lead to recovery. A low inflation rate we now have but at the cost of 12% unemployment, the sale of national assets to overseas organisations whose only motive is profit, and the erosion of a social welfare system once regarded as an enlightened model for guaranteeing freedom from want and insecurity.

In the new competitive user-pay environment Maori are more disadvantaged than ever. Not 12% but 1/3rd of Maori

men between 18 and 60 are without work. For those between the ages of 18 and 25 the rate is much higher. For Maori women unemployment is a disaster of monumental proportions because 50% of employable young Maori women are jobless. What a shameful waste of human potential. All of these are caught in a vicious poverty trap the spring of which could be released by government investment in their and Aotearoa New Zealand's future.

Last year the Minister of Maori Affairs presented a comprehensive plan for Maori development. Certainly he was a controversial Maori politician but his plan "KA AWATEA" (let there be the full light of day) was broadly supported by Maori. The minister is no longer in the cabinet and a non-Maori is now in the post. Well intentioned though the new Minister may be his appointment is not endorsed by Maoridom.

Herein lies the crux of the distressingly slow acknowledgement of a bi-cultural society in Aotearoa New Zealand and, indeed, as has been confirmed in this forum over the past 7 years, a situation relevant through the indigenous world. The descendants of the settler peoples who invaded ancestral territories and imposed on the original inhabitants their social values and their cultural traditions are entrenched in political power. Although there is now grudging acknowledgement of Maori rights to retain Maori cultural values, the ultimate control of the means of retention remains firmly in non-Maori hands.

Maori need to be free from this political domination. They seek a true manifestation of partnership through the control of Maori Affairs by Maori. Their aspirations are endorsed by the Human Rights Commission of Aotearoa New Zealand.

Once again my greetings to all here gathered. Arohanui ki a koutou katoa.