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HUMAN RIGHTS COUNCIL

EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

THIRD SESSION, JULY 12-16 2010, GENEVA

Tena koutou katoa. (Greetings everyone)

Thank you <sup>Mr Chairperson</sup> ~~Madam Chair~~ for this opportunity to speak again as the Commissioner representative of the New Zealand Human Rights Commission.

I will address Agenda item 4, the UN Declaration on the Rights of Indigenous Peoples. <sup>When</sup> Aotearoa New Zealand formally supported the <sup>UN</sup> Declaration <sup>on the Rights of Indig Peoples</sup> in April of this year.

There was a range of responses. Some support the Declaration but emphasise its non-binding nature (as is the NZ Government position). Others believe that this is the most significant event for Māori rights since the signing of the Treaty of Waitangi in 1840 (as articulated by the Māori leader, former New Zealand High Court judge and Waitangi Tribunal Chairperson, Justice Sir Eddie Durie).

Many of the articles in the Declaration intersect with the principles of the Treaty of Waitangi. There is considerable scope for the Declaration to be used to support, clarify and promote understanding of the Treaty. The Māori Land Court, for example, has indicated that the Declaration will have particular significance for its work.

The New Zealand Human Rights Commission has been active in the promotion of the Declaration by translating the text in to te reo Māori, creating resources, delivering education throughout New Zealand, referencing the Declaration in relevant submissions, and creating case studies of good practice.

Finally, in reviewing the status of human rights and the Treaty of Waitangi this year, the New Zealand Human Rights Commission has prioritised the promoting of awareness of the Declaration particularly in fora with the responsibility for the management and administration of natural resources.

I will end with a story of how the Declaration, and particularly Article 36, has worked in practice. Earlier this year Ngai Tahu, a South Island tribe of

Aotearoa New Zealand, hosted the Winnemem Wintu of California, USA in the South Island of New Zealand. They were here to greet their salmon relations that no longer swim in their traditional waters of the McLeod River, California but were released in New Zealand rivers 70 years ago. This event has not only initiated the process of repatriation of salmon stock, but has also begun a connection between these two indigenous peoples.

The New Zealand Human Rights Commission played a role in facilitating this process.

Thank you for your attention.

Mauri ora

Commissioner Karen Johansen,

New Zealand Human Rights Commission