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PERMANENT FORUM ON INDIGENOUS ISSUES

3rd Session

10-21 May 2004



INTERVENTIONS PRESENTED BY

Te Rūnanga o Ngāi Tahu

Supported by



TREATY TRIBES COALITION

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Item 4 (e) of the Agenda: Culture

Oral intervention presented by Edward Ellison, delegate of Te Rūnanga o Ngāi Tahu, a collective iwi organisation of Aotearoa New Zealand.

Mihi: Salutations to the Chair, the indigenous peoples of this territory, and to all indigenous peoples of the world.

I (Edward Ellison) present this intervention on behalf of Te Rūnanga o Ngāi Tahu, we are supported by the Treaty Tribes Coalition of the Hauraki Coalition, Ngāi Tamanuhiri, Ngāti Kahungunu, representing over 110,000 members. We also acknowledge the support from the Pacific Caucus and offer our support to their interventions.

We consider it an honour to present to this body, and join with the international community who have devoted decades to the Working Group on Indigenous Populations.

The theme of indigenous women has impacted deeply on us all, and permanently imprinted the grave abuses indigenous women are subjected to, globally. We support recommendations made to alleviate the position of indigenous women.

I now turn to the key objective of this intervention, in the last year the foreshore and seabed has been under considerable scrutiny in New Zealand resulting in the introduction of legislation to Parliament (the Foreshore and Seabed Bill) which has the effect of alienating our customary rights. This action culminated last week in a hiko (march) on Parliament by 20,000 of our people and supporters protesting this action.

Our Government is intending to:

- Extinguish our property rights to the foreshore and seabed irrevocably severing our customary relationship;
- Require us to go to court to have our ancestral connection recognised by the state, but the courts will apply a statutory test that bears no relationship to our customary law;
- Result in our customary practices being restricted, reduced, and subservient to the practices of the state, and third parties.

Furthermore, non-indigenous peoples will have the same rights as Māori to go to court, and have their customary practices recognised.

We are being stripped of our status as indigenous peoples, and are facing an immediate, and to us, unparalleled threat to the retention of our culture and cultural identity in over 100 years.

We are a coastal people, who trace our origins from our homeland of Hawai'iki nui, through a great oceanic migration. For the iwi (tribes) I represent today, the foreshore and seabed is as significant to us as our lands. The appropriation of it by the state represents an overt violation of our right to existence as a distinct people, with cultural and spiritual traditions that link us to the material world.

We acknowledge the preceding efforts to codify the right to cultural diversity, by UNESCO in the Universal Declaration of Cultural Diversity (2001), repeated General Assembly resolutions (notably, 55/192, 56/156 and 57/204), and the Working Groups on Indigenous Populations, and the Draft Declaration.

We aspire to a domestic regime that respects and implements cultural pluralism, and an international community that realises the full meaning of 'cultural diversity is an ethical imperative'

We call upon the Permanent Forum to note this case, in New Zealand, and to:

- **Assert that states should unreservedly, respect customary law, and relationships; and**
- **The State of New Zealand should take immediate steps to implement the substantive realisation of cultural pluralism through abandoning its intent to pass the Foreshore and Seabed Bill.**