

SUBMISSION TO ITEM 4
ROIMATA MINHINNICK OF NGATI TE ATA.

TENA KOUTOU NGA RAU RANGATIRA, NGA KUIA, NGA KOROUA, KOUTOU NGA MANA,
NGA KAITIAKI I OU KOUTOU MAUNGA, AWA, WHENUA TAPU, TAONGA KATOA.

NO REIRA,

TENA KOE AROHANUI.

MADAM CHAIR THANK YOU FOR PROVIDING THIS OPPORTUNITY TO GREET YOU IN
THE LANGUAGE OF MY ANCESTORS AND I WISH TO CONGRADULATE YOU ON YOUR
REELECTION AS CHAIR PERSON OF THE WORKING GROUP THIS YEAR.

IN GENERAL, THE AIM OF INDIGENOUS PEOPLES CONCERNING THE UNIVERSAL
DRAFT DECLARATION OF INDIGENOUS PEOPLES HAS BEEN TO DRAFT A
DECLARATION FROM THE HOLISTIC PERSPECTIVES AND VIEWS OF INDIGENOUS
PEOPLES. THE DRAFTING PROCESS HAS ALSO ENABLED GOVERNMENTS TO STATE
THEIR VIEWS. AS I UNDERSTAND IT, THE ULTIMATE AIM WOULD BE TO ADOPT A
SUCCESSFUL AND MUTUAL GAIN OUTCOME OF ANY CONFLICT WHEN POSSIBLE.
HOWEVER, IT IS MY OPINION THAT CONFLICT IS SHAPED BY THE TYPE OF POWER
OR ORGANISATION IN WHICH IT IS MANIFESTED AND BECAUSE GOVERNMENTS
CONTROL AND DOMINATE THE UN OR THEIR ORGANISATION, THE IMPOSITION OF
THAT POWER IS REFLECTED BY THE PROCESSES, RULES AND STANDARDS OF
'PROPER BEHAVIOUR' BY WHICH INDIGENOUS PEOPLES ARE JUDGED. WITHIN THIS
CONTEXT THE TYPE OF GENUINE PARTNERSHIP, I NOTE RESPECTFULLY THAT YOU
MADAM CHAIR HAVE REFERRED TO AS AN AIM OF THE WORKING GROUP, APPEARS
TO BE A TOTAL CONTRADICTION. PARTNERSHIP OR THE ILLUSION TO
PARTNERSHIP IN UTMOST GOOD FAITH BETWEEN GOVERNMENTS WHO PLAY AN
INTEGRAL ROLE WITHIN THE UNITED NATIONS AND INDIGENOUS PEOPLES, SIMPLY
REFLECTS GOVERNMENT MODELLED APPROACHES WHEREBY THE WHOLE PROCESS
IS GUIDED BY GOVERNMENTS OWN SENSE OF JUSTICE.

IN THIS SENSE INDIGENOUS PEOPLES ARE FORCED TO ABIDE BY NON-INDIGENOUS
RULES, STANDARDS AND PROCESSES OR GOVERNMENTS NEED NOT ACCEPT ANY
PROPOSED RIGHTS OF INDIGENOUS PEOPLES. THE NEW ZEALAND GOVERNMENT
CONFIRMED THIS VIEW IN STATING THAT

" IN THE FINAL ANALYSIS IT IS GOVERNMENTS WHICH HAVE TO ACCEPT
THE OBLIGATIONS IN THE DECLARATION."

IT IS CLEAR THAT THERE ARE TWO STANDARDS OF JUSTICE IN THIS WORLD, A
LESSOR STANDARD FOR INDIGENOUS PEOPLES AND A HIGHER STANDARD FOR
GOVERNMENTS. MADAM CHAIR, THIS IS FUNDAMENTALLY WRONG, LEGALLY AND
MORALLY.

IT IS NOTED THAT IN THE PAST YOU MADAM CHAIR AND OTHER DECISION MAKERS
OF THE UNITED NATIONS BODY POLITIC HAVE UNDERTAKEN COMPLIMENTARY
INITIATIVES IN AN ATTEMPT TO ELIMINATE MANIFEST CONFLICT SUCH AS THE
DENIAL OF FUNDAMENTAL RIGHTS AND FREEDOMS. HOWEVER, THE SPECIFIC

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UNQUALIFIED RIGHT OF SELF-DETERMINATION OR THE UNDERLYING POLITICAL CONFLICT WHICH HAS BEEN AT THE FOREFRONT OF INDIGENOUS ASPIRATIONS, HAS BEEN EITHER LIMITED, AVOIDED OR DENIED. THIS IN MY OPINION, INVOLVES THE MORE FUNDAMENTAL CONFLICT OF GOVERNMENT POWER, CONTROL AND DOMINATION OVER INDIGENOUS PEOPLES WAY OF LIFE, RIGHTS AND IN PARTICULAR AN UNQUALIFIED RIGHT OF SELF-DETERMINATION.

WHEN THE UNDERLYING ISSUE IS LIMITED, AVOIDED OR DENIED THE REAL NEEDS OF INDIGENOUS PEOPLES WILL REMAIN UNFULFILLED AND CONFLICT IS DESTINED TO CONTINUE.

MADAM CHAIR, I DO NOT BELIEVE, AS STATED BY THE NEW ZEALAND GOVERNMENT, THAT A MODERN INTERPRETATION WHICH CONFINES SELF-DETERMINATION WITHIN THE BOUNDS OF A NATION STATE WILL ELIMINATE THE POLITICAL CONFLICT, BUT MERELY ADD TO THE PATERNALISTIC NATURE OF GOVERNMENT LAWS THAT CONTINUE TO SUPPRESS OUR ASPIRATIONS. IT IS NOTED THAT VARIOUS OTHER GOVERNMENTS HAVE EXPRESSED THEIR VIEWS OF SELF-DETERMINATION IN A SIMILAR MANNER WHICH IN CONTEXT WOULD CONTINUE IMPOSED AND OPPRESSIVE VALUES.

IN EFFECT, THE QUESTION WOULD SEEM TO BE WHETHER WE, THE INDIGENOUS PEOPLES, HAVE TO GIVE UP OUR VALUES AND RIGHTS IN ORDER TO TAKE PART AS EFFECTIVE PARTICIPANTS.

AS IT HAS BEEN REPEATEDLY EMPHASISED IN THIS AND PREVIOUS SESSIONS OF THE WORKING GROUP, AN UNQUALIFIED RIGHT OF SELF DETERMINATION HAS BEEN THE COMMON ASPIRATION OF INDIGENOUS PEOPLES. IT IS THIS FORM OF SELF DETERMINATION THAT HAS BEEN ENTRENCHED IN INTERNATIONAL LAW, AS REAFFIRMED BY THE INDIGENOUS STATEMENT THIS MORNING. IT IS ALSO THE FUNDAMENTAL PRINCIPLE UPON WHICH OUR OWN INDIGENOUS LAW HAS BEEN FOUNDED SINCE TIME IMMEMORIAL. ANY LIMITATION TO THE RIGHT OF SELF DETERMINATION WOULD BE A TOTAL CONTRADICTION TO BOTH INTERNATIONAL AND INDIGENOUS LAW. IT WOULD ALSO BE AN EXTENSION OF THE OPPRESSIVE VALUES THAT CONTINUE TO TRAMPLE OUR PEOPLE, THE SPIRITUAL LIFE FORCE OF OUR ANCESTORS AND PLACE AN ENORMOUS BURDEN ON THE UNBORN CHILDREN OF OUR FUTURE.

KIA ORA ANO KOUTOU KATOA
THANK YOU.