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NEW ZEALAND MISSION to the UNITED NATIONS



Te Māngai o Aotearoa

ONE UNITED NATIONS PLAZA 25TH FLOOR NEW YORK, NY 10017-3515, USA
TELEPHONE (212) 826 1960 FACSIMILE (212) 758 0827 HOMEPAGE: www.nzmissionny.org

**PERMANENT FORUM ON INDIGENOUS ISSUES
THIRD MEETING**

HUMAN RIGHTS

**STATEMENT BY THE NEW ZEALAND REPRESENTATIVE
DR JONATHAN AUSTIN**

THURSDAY 13 MAY 2004

CHECK AGAINST DELIVERY

E ngā mana, e ngā reo, e ngā waka, e ngā hau e whā
Tēnā koutou, tēnā koutou, tēnā tātou katoa

*(to all the many peoples gathered here from the four winds,
greetings, greetings, greetings to you all)*

Mr Chairman,

As a strong supporter of this Forum, New Zealand is pleased with how quickly it has become the pre-eminent international indigenous gathering. We welcome the inclusion of human rights in the Forum's mandate. We hope that the Forum will continue to look beyond simply listening to grievances and focus on constructive recommendations to bring real improvements for the millions of indigenous peoples whose fundamental rights continue to be grossly abused.

In New Zealand, Māori as individuals enjoy the same rights, freedoms and protections as all other citizens. Equal rights are guaranteed in law. At the same time it is recognised that Māori also have rights deriving from the 1840 Treaty of Waitangi. Māori have, for example, the right to 20 percent of New Zealand's offshore fisheries resource and derive substantial economic benefits from this.

Mr Chairman,

Appropriate recognition of indigenous rights requires a delicate balance. A government's overriding imperative is to recognise the rights and needs of all individuals and to govern in the interests of all its citizens.

This imperative has been applied in New Zealand with recent legislation clarifying Crown [state] ownership of the foreshore and seabed. The new draft legislation before Parliament applies to all New Zealanders. All New Zealanders can apply for customary rights and territorial customary rights. If any territorial customary rights can no longer be recognised, the government will consider redress. In addition, a special process has been established to enable those groups of Māori with ancestral connection to the foreshore and seabed to have that connection recognised.

Mr Chairman

Ensuring indigenous peoples enjoy equal rights also means ensuring that this equality applies to both indigenous men and indigenous women. In New Zealand the equal rights and freedoms of Māori women are guaranteed in law.

Gender and ethnicity interact in complex ways. For the human rights of indigenous women to be given full effect, governments must engage directly with them, build partnerships with them, and devise programmes and policies that affirm, celebrate and enhance their success. New Zealand has made significant progress in this area. It remains a challenge, but we are committed to building and sustaining a social and economic environment that promotes and protects the human rights of Māori women.

Mr Chairman

Last year the Forum called for a second international Decade for the World's Indigenous People. We await the Office of the High Commissioner for Human Rights' substantive review of the current Decade before considering this recommendation. We note, however, that this Forum must surely rank as one of the Decade's great achievements.

On the other hand, the Decade has not yet achieved a Declaration on the Rights of Indigenous Peoples. In part this is due to the unwieldy and far-reaching nature of the initial draft. But it is also due to a failure on all sides to accept the reality that some changes will be needed to the draft if States are to adopt the Declaration. Like other countries, New Zealand has consistently stated over the last ten years that we cannot agree to the initial draft without any alteration. We remain, however, committed to achieving a Declaration with minimal alterations to the initial draft. Consensus was very close at the last meeting on provisional adoption of at least five amended articles. We hope the handful that continue to block progress, and who argue for no changes to the existing draft text, will reflect very carefully on their positions before the Working Group's next meeting.

Mr Chairman

New Zealand has previously outlined our concerns about the Working Group on Indigenous Populations. We have not, however, taken a position on its future. We believe it is premature to do so until the review of indigenous mechanisms has been debated. We look forward to this review, and the debate, at ECOSOC in July.

Thank you Mr Chairman.