



WORKING GROUP ON INDIGENOUS POPULATIONS

THIRTEENTH SESSION

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ITEM 5: REVIEW OF DEVELOPMENTS

**STATEMENT BY THE
NEW ZEALAND OBSERVER DELEGATION**

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REVIEW OF DEVELOPMENTS : WGIP 1995

Madam Chairperson

New Zealand is pleased to take part in this year's discussion of the review of developments and briefly to highlight the developments in Maori and Crown relations during the past year.

The New Zealand Government has two key objectives for improving the relationship between the Crown and Maori. First, to reach fair settlements to historical claims under the Treaty of Waitangi by the year 2000. This is complemented by the Government's second objective, which is to address the parity gap between Maori and non-Maori. These objectives work in tandem to achieve the Government's overarching goal - to assist Maori in establishing a sound economic base from which to foster development and to further the aims of their people.

Treaty Settlement Process

The Government's commitment to the resolution of claims under the Treaty of Waitangi was affirmed late last year when it released its proposed policies to settle historical claims. I have chosen to highlight this approach because it represents a significant development in the settlement of indigenous people's claims. I hope that information about the proposals might be of interest to other countries. These proposals respond to the need for a consistent approach by the Government to the large number of individual

claims lodged with the Waitangi Tribunal which will need to be addressed over a period of time. The Government was also concerned to indicate the resources which can be set aside for settling historical claims overall, taking into account all the other demands on the public purse.

An allocation of NZ\$1 billion has been made for settling claims over a period of about 10 years. For the first time, there is a dedicated budget allocation for this purpose. This allocation has become known as the “Settlement Envelope” or “Fiscal Envelope”. Claimants do not have to agree to this Envelope concept or to the specific amount it contains, as a precondition for negotiation. Nor are they obliged to seek settlement at this time. Nevertheless, having some idea of the total package which can be made available should enable claimants better to assess whether their particular settlement is fair in comparison with other settlements. And the existence of the Envelope itself illustrates the Crown’s commitment to settle historical claims.

The proposals also covered the use of the estate held by the Crown for conservation purposes in settlement packages; Treaty claims to natural resources (such as rivers and lakes); and claims concerning the return of land gifted to the Government by Maori for various public purposes. The Crown proposes that Maori have certain use interests and value interests (cultural or spiritual) in natural resources under the Treaty of Waitangi. However, it proposes not to accept claimed ownership interests or claimed interests to regulate natural resources for the common good.

For the conservation estate, it proposes that such land be not readily available for the settlement of Treaty claims and should be considered only in certain circumstances, for example, where a specific site is of special historical, cultural or spiritual significance to Maori, or where the overall management of conservation values will be maintained or enhanced as a result of its use in claim settlement.

The proposals addressed other key issues in the claim settlement process, such as the steps in the negotiations process, ensuring that any settlements are full and final. The Government also needed to obtain assurances that:

- claims are settled with the appropriate claimant group;
- claimant negotiators are properly mandated and settlements appropriately ratified; and
- the proceeds of settlements are transferred to an appropriate legal structure with provision to represent all interests in the claimant community.

A number of consultative regional hui (meetings) were held with Maori throughout New Zealand over February and March 1995. The face to face consultation which occurred has been crucial to hearing Maori reaction to the Government's proposals in an open and frank forum. Written submissions are being sought on the Government's proposals from all New Zealanders, both Maori and non-Maori, by the end of August 1995. The bulk of Maori response on the proposals has indicated opposition to the proposals. Nevertheless much valuable comment has been made. The Crown will be

giving thorough consideration to these, and will be determining its policies for negotiation and settlement in the light of them.

In the meantime it is encouraging that dialogue with the Government continues on the settlement of individual claims. The Waikato Tainui iwi (tribal grouping) and the Government signed an historic settlement in May this year, which will see the transfer of land and cash to the combined value of NZ\$170 million to the claimants in settlement of their raupatu (confiscation) claim. The settlement was widely supported by the tribe and signals the culmination of a lengthy negotiation process between the Crown and Waikato Tainui, and consultation between the Waikato Tainui hapu (sub-tribes).

Te Tau o Te Reo

In New Zealand, the first year of the International Decade of the World's Indigenous People has been dedicated to Te Tau o Te Reo Maori, the Year of the Maori Language. The objectives of this Year are to focus attention on the status of the Maori language in New Zealand and to encourage Maori and other groups and individuals to make an active commitment to learning and promoting Maori language. Te Taura Whiri I Te Reo Maori (the Maori language Commission), established in 1987 to promote the use of Maori language, will coordinate public and private sector activities to commemorate the Year. Commemorations will include Maori Language Year lectures, Maori language scholarships, and a comprehensive survey of the use of the Maori language throughout New Zealand.

Education

The New Zealand Government believes education plays a crucial role in addressing the parity gap between Maori and non-Maori. At preschool level, New Zealand now has over 800 kohanga reo (language nests) providing for half of Maori pre-school children enrolled in early childhood centres. At primary school level, Te Runanga nui o Nga Kura Kaupapa Maori o Aotearoa, a national association of Maori language total immersion primary schools, has developed a formal relationship with the Ministry of Education to assist in the further development of kura kaupapa Maori - Maori language immersion schools. In higher education, the first two Whare Wananga (Maori tertiary institutions) have been approved and are now operating, with a third one possibly being accepted by the end of 1995.

The Government is also funding a number of education projects. An example is the development of Maori language, science and maths resources in schools.

Related Developments

I would also like to bring to your attention other initiatives in New Zealand intended to promote and protect Maori interests. A separate Maori unit dedicated to providing human rights services to Maori has been established in the Human Rights Commission. A Prime Ministerial Taskforce has been established to focus on employment issues. The Taskforce has recommended a wide range of changes to policy intended to improve the labour market position of Maori. The Government is still considering its response to

these recommendations. The profile of Maori women already in business has been increased in several ways, for example through the publication of a Directory of Maori Business and Professional Women. Regional Health Authorities have been directed to purchase health services for Maori that address the parity gap in health between Maori and non-Maori, and which are cognisant of the diverse cultural realities of Maori.

Conclusion

Madame Chairperson, in conclusion, the New Zealand Government will continue to work towards its objectives of achieving fair settlements with Maori under the Treaty of Waitangi, and promoting improvements to the social and economic circumstances of Maori. The Government's focus will be on providing greater opportunity for Maori to participate fully and equally with all other New Zealanders in the economy and in decision making in all sectors of New Zealand society.