



SUBMISSION TO THE SIXTH SESSION OF
THE UNITED NATIONS WORKING GROUP ON
INDIGENOUS POPULATIONS, GENEVA, 1988

BY: NGANEKO MINHINNINK
NGATI TE ATA
HUAKINA DEVELOPMENT TRUST
AOTEAROA (NEW ZEALAND)

WGIP 88/OCE. NZL/1

TENA KOE ARCHANGI ME TO HEKERETARI ME TO KOMITI WHAKAHAERE - NGA MIHI WHANUI
KIA KOUTOU NGA URI RANGATIRA NGA TAANGATA WHENUA O TE AO. NGA MEMA O NGA KAWANA,
IA KOE HOKI ERIHAPETI. TENA KOUTOU KATOA.

MADAM CHAIR,

I BRING THE GREETINGS OF NGATI TE ATA, NGAI TAMARAWAHO, NGA MARAE TOOPU, THE
HUAKINA DEVELOPMENT TRUST, TE RUNANGA O NGATI AWA, TE RUNANGA O NGATI POROU AND
MANY OTHER MAORI REPRESENTATIVES WHOM YOU MET DURING YOUR VISIT TO AOTEAROA WITH MR
ALFREDSSON.

My name is Nganeko Kaihau Minhinnick. I am a Maori and an indigenous of Aotearoa..
It is the practice of the New Zealand government to paint pictures of excellent
good record of respect of human rights and fundamental freedoms and harmonious
relationships within our country. The true position is very different.

The very fact that our people have had to travel for 3 days, 12000miles, from
across the other side of the world to speak of the long standing grievances, of
the cultural genocide that is imposed upon our people, shows the real situation.

We, the Maori people, should never have had to come to the United Nations,
because we have a Treaty that was signed in 1840 between two sovereign nations.
The Treaty of Waitangi must be honoured. Extending the powers of the Waitangi
Tribunal and enshrining the Treaty in the Bill of Rights is not honouring the
Treaty which gives specific rights to our people.

Because of the desecration of our tribal sacred burial grounds by New Zealand
Steel iron-sand mining Company, and because of the pollution and desecration of
the Manukau Harbour and Waikato River which has deprived us of our food supplies,
and because of our problems with many pieces of government legislation - including
the very tough new powers being given to the police in preparation for the so
called "celebrations" of the 150th Anniversary of the Treaty of Waitangi in 1990;
our tribe, Ngati Te Ata, felt we must invite Madame Daes and Mr Alfredsson of
the Secretariat to visit our country. This visit took place in January of this
year.

As the New Zealand government has acknowledged your visit to Aotearoa and referred
to your Confidential Report in this forum, and the Ministry of Foreign Affairs
has freely distributed copies to government departments and the media and general
public, and the Associate Minister, Fran Wilde first released the Report on Morning
Comment, Radio New Zealand, I take this opportunity to quote from the Report also.

In Madame Daes Words:

"It is therefore my most important recommendation that the Maori people be given formal and substantive self-government over their local and internal affairs. While the exact powers and functions of self government should be the subject of negotiations between the parties, the minimum goal should be powers sufficient for the protection of the groups' collective right to existence and for the preservation of their identities. To this end, a secure financial basis must be created, preferably through the establishment of rights to land and resources, taxation powers and, when and if these are insufficient, the granting of lump sums for the free use by the self governing entity. It should never be an excuse for curtailing the powers of self-government that these may be prone to make mistakes. all individuals and governments make errors and learn from the experience; without the experience they cannot be expected to learn the lesson."

The most urgent thing, apart from stopping the desecration to our sacred places and waterways, is that we want the New Zealand government to honour the Treaty of Waitangi and to work with us in establishing our real and practical self-government.

This goal of self-determination and self-government is shared by very many indigenous peoples and at least theoretically it is accepted by some governments. We believe that self determination and self government should be central in the United Nations Universal Declaration of Indigenous Peoples Rights. Indeed, this should be the very first principle in the Universal Declaration when it is adopted.

The government claims that setting up the Treaty of Waitangi Tribunal to hear the peoples grievances is a way of honouring the Treaty. In fact, it is simply recognition that the Treaty has not been honoured.

The Treaty of Waitangi Tribunal is not a form of self government - it is a palliative. Furthermore, the Tribunal is seriously under-funded and under-resourced even after recent increases.

We do not have the funds or the resources to match the government in its endless barrage of reviews, policy studies, commissions of inquiry and negotiations. Full Maori participation is essential for the country. Effective participation is not possible until we have our own resource base and our own self government.

We hope that this point about funding and resources will be incorporated in point 28 of Madame Daes draft principles, on negotiation and dispute settlement.

We would like to see more emphasis in the Universal Declaration on Indigenous Rights on International Supervision. If the substantive principles of the Declaration are to be effective, it is important that there be an efficient means of vigorous international investigation and evaluation to ensure that governments meet their obligations to indigenous peoples.

Madame Chair, we are submitting a number of documents to the Working Group for its consideration - these include position papers of the Maori and Crown negotiating teams in the very important fisheries in the Aotearoa, New Zealand 200 mile Fishing Zone. These negotiations are currently deadlocked. The Crown was forced into negotiations when the Northern tribes of Muriwhenua took a claim to the Courts over the traditional fisheries. We hope that Maori fishing rights will soon be recognized.

Also, the government's Green Paper on Devolution, which in our opinion does not go far enough in meeting Maori requirements of self-government. We are awaiting government's response to the widespread Maori criticism against this document. Mainstreaming the functions of the Department of Maori Affairs through existing government departments is not self government.

It is opportune that the Working Group's attention be drawn to the current Local Government Restructuring papers included in the documentation. This Review totally fails to take into account the Treaty of Waitangi, thus bolstering our determination for self government.

The matter of the millions of acres of our lands that were confiscated, and the thousands of our people who were killed trying to protect their homelands and families will never be forgotten, and must be redressed.

In conclusion Madame Chair, we give notice of our intention to call for an International World Indigenous Conference in Aotearoa in 1990.

Thank you Madame Chair.....