

Dell Haggie, Ambassador

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New Zealand statement on the report by the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples

Madam President; Mr Special Rapporteur

Last July, the New Zealand Government was pleased to welcome a visit by the Special Rapporteur. Today, we welcome the presentation of his report on that visit.

During his visit, the Special Rapporteur met with the Prime Minister, key Ministers and Members of Parliament, the Human Rights Commission and other organisations. He also met widely with representatives of Māori, the indigenous people of New Zealand.

The New Zealand Government appreciates the Special Rapporteur's identification of progress made as well as significant problems still to be addressed. The Government is already acting on many of his recommendations and will continue to draw on the Report over time.

The Treaty of Waitangi, signed by representatives of Māori and the British Crown in 1840, has been long recognised as the basis of the relationship between Māori and the New Zealand Government. The Treaty affirms both the rights of Māori and the equality of all New Zealanders. It remains a document of fundamental constitutional and historical importance.

The Treaty forms part of the terms of reference for a review of New Zealand's constitutional arrangements. The review, which we are pleased to see welcomed in the Special Rapporteur's Report, will cover a wide range of constitutional topics, including Māori electoral participation and representation in Parliament and in local government, a point also raised by the Report.

The two-year review is the responsibility of the Deputy Prime Minister and the Minister of Māori Affairs. They have appointed an advisory panel, to provide insights into New Zealanders' views about these important constitutional issues. Ultimately, any changes to New Zealand's constitutional arrangements will require broad support.

Madam President,

New Zealand is proud of the process in place to resolve historical Māori grievances related to historical breaches of the Treaty of Waitangi by the Crown. The Government welcomes, and is encouraged by, the Special Rapporteur's observation that this process is one of the most important examples in the world of an effort to address historical and ongoing grievances of indigenous peoples.

Historical Treaty settlements usually involve an apology from the Crown, which includes an agreed historical account, as well as some form of cultural, financial and commercial redress. The agreement is formalised through a Deed of Settlement and approved by Parliament through settlement legislation.

The process for negotiating settlements continues to be refined and the Government welcomes the Special Rapporteur's views on that process.

The Government endorses the Special Rapporteur's call for timely resolution of historical claims under the Treaty. Māori leaders have given the Government a clear message that they want negotiations to progress faster and settlements to be reached more quickly. The Government has made the completion of Treaty settlements a key priority and, to this end, has increased funding for claimant groups and for the Office of Treaty Settlements, with the goal of completing all outstanding historical settlements by 2014. More progress is being made through the settlement process now than at any other time since the process began in the mid 1990s. The majority of iwi (tribes) have either completed settlement, reached major settlement milestones or are now taking part in the mandating and negotiation processes.

Given the extraordinary pace in Treaty settlements, Parliament and the Government are actively considering ways to streamline the legislative process to minimise delays between settlement and implementation.

The New Zealand Government has also taken note of the Special Rapporteur's concerns about customary rights over the marine and coastal area. In the months since the Report, Parliament has enacted the Marine and Coastal Area (Takutai Moana) Act 2011. The Act repeals the Foreshore and Seabed Act 2004, which was the subject of criticism or concern by many, including the Special Rapporteur.

The new Act follows extensive consultation with all New Zealanders, including Māori, about how best to achieve an equitable balance of rights and interests in the coastal marine area. It also reflects express consideration of international human rights standards relevant to such customary claims. The new Act removes Crown ownership. Any customary interests extinguished by the former Act are restored and given legal expression in the new Act.

The Government also welcomes the Special Rapporteur's views on the participation of Māori in government. New Zealand has a long history of Māori participation in governmental decision-making, with 22 of the 122 current members of Parliament self-identifying as Māori..

Māori are also involved in a range of other decision-making procedures, particularly where Māori customary or other interests are concerned. Central and local government bodies are increasingly involving local Māori in the co-governance of natural resources such as lakes and rivers.

More broadly, and since the Special Rapporteur's Report, the Government has been pleased to receive the Report of the Waitangi Tribunal on the contemporary status of Māori culture and traditional knowledge, to which the Special Rapporteur has

referred. The Government has agreed to the development of a whole-of-government response to the Report, and work on this continues.

Madam President,

We harbour no illusions about the significant challenges that still remain regarding the situation of Māori in New Zealand. In his Report, the Special Rapporteur noted that Māori are significantly over-represented in the criminal justice system, both as offenders and victims, and generally have a lower socio-economic status and poorer health than the rest of the population. The Government values the Special Rapporteur's contributions to its efforts in these areas.

The Government has a particular focus on reducing re-offending among Māori, through programmes using customary concepts and values to motivate participants towards rehabilitation. Through the Drivers of Crime programme, and other initiatives, the Government is working with Māori community groups to address the underlying causes of crime. Solutions are being sought beyond the criminal justice system by working closely with Māori communities themselves.

The Government also welcomes the Special Rapporteur's endorsement of the Whānau Ora programme, an inclusive, culturally anchored approach to providing services and opportunities to families. It requires multiple government agencies to work together with families rather than separately and with individuals.

We welcome the Special Rapporteur's attention to the strengths and the weaknesses of New Zealand's efforts to address our differences through dialogue and pursue shared values of fairness, equality and respect under the Treaty of Waitangi. We will continue to confront remaining challenges in that spirit of discourse and partnership.