

HUMAN RIGHTS COUNCIL

EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

FOURTH SESSION, JULY 11 – 15, 2011, GENEVA

MIHI

Kei te mihi atu ki a koutou katoa. [*translation: Greetings to everyone*]

Thank you ^{Mr} ~~Madam~~ Chairperson for this opportunity to speak again as the Commissioner representative of the New Zealand Human Rights Commission.

~~My name is Karen Johansen~~

IMPLEMENTING THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES
IN AOTEAROA NEW ZEALAND

Aotearoa New Zealand formally supported the UN Declaration on the Rights of Indigenous Peoples in April, 2010. This was a significant development for the relationship between the government and Maori, the *tangata whenua* or indigenous people of Aotearoa New Zealand. While it is non-binding, it is still regarded by many as the most significant day for indigenous rights since the signing of the Treaty of Waitangi on February 6, 1840. The Treaty of Waitangi is regarded as Aotearoa New Zealand's founding document. It confers rights and obligations on the Treaty partners who are the Crown (Government) and Rangatira (Maori leaders).

Many of the articles in the Declaration intersect with the agreements in the Treaty of Waitangi which

- 1• gave the Crown an authority to govern
- 2• required the Crown to protect the self-determination of Maori and
- 3• promised equality for Maori

There is considerable scope for the Declaration to be used to support, clarify and promote understanding of the Treaty. ~~For example, Section 1 of Article 14~~

let me use Article 14 of the Declaration on education, to illustrate this - section 7 of Article 14 supports the Treaty of Waitangi Article 2 on self determination;

~~of the Declaration (on education), supports the Treaty of Waitangi;~~ Article 2 on ~~self-determination,~~ Section 2 supports Treaty Article 3 on equality and Section 3 supports Treaty Article 1 on governance.

There is no doubt that national human rights institutions have a critical role to play in achieving effective and sustained implementation of the Declaration. Since the adoption of the Declaration, the New Zealand Human Rights Commission has been active in using it to promote and protect indigenous rights as well as to clarify what actually constitutes indigenous rights in the New Zealand context.

The Commission has drawn on the Declaration to clarify the rights of Maori in a number of submissions regarding legislation, the Declaration has been published as an easy- to- use summary in both Maori and English in hard copy and online and education resources have been developed to support education delivery by Commission staff and Commissioners throughout New Zealand.

Of special note, was the partnership developed last year by the Commission and Te Kura Kaupapa Maori o Ngati Kahungungu o Te Wairoa [*The Maori Immersion School of the Ngati Kahungungu tribe of Wairoa*]. This is a school which is run by Maori for Maori students using a Maori curriculum. It is the first school in New Zealand to base its curriculum and school culture on the human rights of the Treaty of Waitangi with a particular focus on the Declaration. On December 10, 2010, the anniversary of the UN Declaration of Human Rights, the school declared itself a Kura Tika Tangata [*a human rights school*]. It is a real pleasure, to be here with my colleague, Ms Anahera Scott, the Acting Principal of this school and the force behind this change in school culture. She is here as a recipient of the UN Voluntary Fund for Indigenous Populations funding. Next week, Ms Scott will also be attending the UNITAR Training programme to "Enhance the Conflict Prevention and Peacemaking Capacities of Indigenous People's Representatives". *2 was also moved to hear her welcoming the participants at this meeting in our language, Te Reo Maori.* In its review of the status of human rights and the Treaty of Waitangi in 2010, the Commission has prioritised promoting awareness of the Declaration particularly in forums with the responsibility for the management and administration of natural resources.

In December 2010, the Commission hosted the United Nations Office of the High Commissioner for Human Rights Asia Pacific Sub-Regional workshop to develop guidelines for National Human Rights Institutions in the implementation of the Declaration.

Finally, the New Zealand Human Rights Commission was pleased to meet with James Anaya, the Special Rapporteur on the Rights of Indigenous Peoples, when he visited New Zealand in August last year. We welcomed his strategic recommendations and as an NHRI we are very keen to use this work to advance indigenous people's rights. We are committed to an active role in monitoring the government's actions and to keeping the Special Rapporteur informed.

We will ourselves provide a response to the Human Rights Council when the Special Rapporteur reports to the council later this year.

Many thanks for your attention, *brothers and sisters of this meeting.*

No reira, tena tatou katoa. *[And finally, greetings to you all]*

Karen Johansen,

Commissioner,

New Zealand Human Rights Commission

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