

## HUMAN RIGHTS COUNCIL

## EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES.

THIRD SESSION, JULY 12 – 16 2010, GENEVA

E nga mana, e nga reo, e nga maunga, e nga awaawa, e nga pataka o nga taonga tuku iho, tena koutou katoa. [ translation : to all expert colleagues, all voices, the mountains, the rivers, the treasure houses, greetings to all of you.]

Mr Chairman,

Madam Chair, thank you for this opportunity to speak as the Commissioner representative of the New Zealand Human Rights Commission. My name is Kave Taharua

~~I will address agenda item 3, participation in decision making.~~ This right <sup>to participate in decision making</sup> for Māori, the indigenous people of Aotearoa New Zealand, is primarily through the Treaty of Waitangi. Signed in 1840, the Treaty confers rights and obligations on the Treaty partners who are the Crown (Government) and Māori.

Key mechanisms for constitutional participation include dedicated Māori seats in parliament and a dedicated Minister and Ministry of Maori Affairs. The Waitangi Tribunal addresses breaches by the Crown of the guarantees set out in the Treaty. There is recourse to the courts including the specialist jurisdiction of the Māori Land Court. The current parliamentary system of Mixed Member Proportional Representation has increased the numbers of Māori members of parliament.

Regionally there is an electoral option for Māori seats in local government and on health and school boards. Engagement with Māori is obligatory on resource management arrangements in respect of natural resources such as lakes and rivers.

Yet, New Zealand faces challenges to effective participation by Māori in decision making. There is a lack of constitutional protection for the Treaty.

Participation is vulnerable to the political will, ie representation in parliament may be revoked by an act of parliament. There is inconsistent implementation at regional level. Capacity of Māori organisations to take part in consultative processes is varied. There is tension between government processes and Māori

traditional processes. Māori political structures are themselves locally and nationally complex and diverse.

The New Zealand Human Rights Commission is actively involved with Māori, the Crown and the wider New Zealand community to address these matters.

Thank you for your attention.

Mauri ora

Commissioner Karen Johansen

New Zealand Human Rights Commission