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NEW ZEALAND OBSERVER DELEGATION  
  
TO THE  
  
FIFTH SESSION  
  
WORKING GROUP ON INDIGENOUS POPULATIONS

WGIP P7 GOV/OCE.NZL/1

GENEVA - TUESDAY, 4 AUGUST 1987

WORKING GROUP ON INDIGENOUS POPULATIONS  
FIFTH SESSION : NEW ZEALAND STATEMENT

Tena Koutou

My delegation welcomes this opportunity to speak briefly about the rights of indigenous peoples, respect of universally recognised human rights and fundamental freedoms, and the affirmative action being taken in New Zealand to address these issues.

The Treaty of Waitangi signed in 1840 between representative Maori chiefs of different tribes and the British Crown established a social contract between two groups of people in New Zealand: the "Tangata Whenua" (people of the land) - the Maori - and the Pakeha new settlers. The Maori signatories accepted the concept of common governorship. In exchange they were to be guaranteed control over their own land, forests, fisheries, and all other "taonga" or treasures as long as they wished, and be accorded all of the rights and privileges of the people of Britain.

The Treaty aimed, to some extent, to protect the Maori people from the impact of another culture with different views of society and land ownership. However, the early Governments' performance in protecting Maori interests in this regard was uneven - vast areas of land were sold at a low price, and for many years the Treaty was not seen as an instrument that created an equal relationship between the two races in New Zealand.

A more positive view of the Treaty has now emerged - that it can lay the foundation of a positive bicultural relationship between the Maori people and other New Zealanders whereby all can have an equal say in decision-making thus helping to determine the future direction of our country.

Thus in New Zealand there is a growing recognition that principles considered in the work of this Group are deeply embodied in the principles of bi-culturalism and partnership, the recognition of both Maori as well as Pakeha (European) values embodied in the Treaty of Waitangi. This Treaty is of major significance.

It is difficult to separate questions of Maori Parliamentary representation, health and social services, adequate housing etc from awareness and acceptance of Maori cultural values. Reflection of this awareness in our legislation, institutions and response to social issues has been slow to develop and is still developing; but with much greater impetus over the last few years.

A discussion document about a possible Bill of Rights for all New Zealanders was prepared in 1985. It suggests giving legally binding force to the Treaty of Waitangi as part of the domestic law of New Zealand, with a superior status to general legislation. Although the proposal is still under discussion, it has been decided that all future legislative proposals placed

before the Government should consider any implications for recognition of the Treaty. In addition, in 1975 a Tribunal was constituted to hear grievances and make recommendations about alleged breaches of the Treaty by the Crown. The jurisdiction of the Tribunal has now been extended back to 1840 and provides that Maoris may submit claims arising from the prejudicial consequences of any legislation, policy or action of the Crown since that time.

These measures are major pillars in the framework within which changes are taking place. At the heart of these changes lies a cultural and political resurgence in the Maori community and a growing call for more direct control by Maoris of their own economic and social development.

This brings with it a rejection of the early protective or paternalistic interpretation of the Treaty of Waitangi and administration of Maori affairs. Early institutions have changed or are being debated including Parliamentary representation. Since 1867 the Maori people have had four separate Maori electorates in Parliament. All adult Maoris have had the right since 1975 to choose to vote for these four Maori seats or to vote on the General Roll. It is thus open for Maori Members of Parliament to be selected in General (non-Maori) electorates, and indeed Maori Members of Parliament hold two of these which, with the four longstanding separate Maori seats, means that the number of electorates held by Maoris now amounts to 6 out of the total 95 seats. It must, however, also be noted that Maoris comprise about 9% of New Zealand's total population

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so that it cannot be said that the Maori people have yet achieved a level of Parliamentary representation fully commensurate with their population numbers. A 1986 Royal Commission on the Electoral System has made a number of recommendations to address this issue that are still under consideration at present.

The governmental machinery for administering Maoridom's needs is undergoing dramatic change. The Department of Maori Affairs leads this change. Policies of Maori economic and social dependence are being rejected. Policies for the redeployment of resources to enable positive and independent Maori development, in the most part styled and packaged by the Maori community itself, are being promoted through Wananga (Maori-style tribal educational and decision-making meetings), Marae, Kokiri or community centres which administer employment and training schemes, Maatua Whangai, or tribal and family care for at-risk youth, Te Kohanga Reo (language nests) which are family groups where Maori language, values and customs are naturally acquired by pre-school children from their kaumatua (elders), Maori access employment training and a number of other programmes. All are moves towards devolution of funds and control from central administration to tribal authorities and Maori communities, in an endeavour to break the bonds of dependence and promote community development from a style and rhythm that is identifiably Maori.

The New Zealand Government has maintained the momentum of these moves. It has reviewed the Department of Maori Affairs and

strengthened its senior management; it has also launched a Maori Development Corporation and plans to establish a trust fund next year to help Maori businesses upgrade their commercial management. The Corporation will be run on commercial lines, focussing on medium to large-sized ventures. It will offer finance, consulting services, research, and scholarships for Maori people to study business. This is a significant step towards economic as well as social self-determination.

Although it is not possible to detail all recent programmes, I cannot leave this general subject without noting a most important social development - the Maori Language Act, which Parliament has recently passed, recognising Maori as an official language, thus officially recognising one of the Maori peoples' most precious taonga or treasures referred to in the Treaty of Waitangi.

Parallel with change within the Department of Maori Affairs, other government institutions are developing a bi-cultural focus. In this regard I should like to focus on two other subjects of this session: health and housing.

According to Maori tradition, health is seen in a holistic way, encompassing not only the physical, the mental state and the spirit, but also the whanau or immediate and wider family. Understanding social, spiritual and cultural responsibilities in the whanau and practice of these responsibilities gave confidence and self-esteem and therefore contributed to good health. Access to tribal healing and traditional Maori herbal

medicines was important. Although New Zealand was one of the first countries in the world to establish publicly-funded health, education and social welfare systems, statistics show that Maori health is still below that of non-Maori. The New Zealand Government has now accepted that concepts of health are firmly based in Maori culture (which, according to the Treaty of Waitangi, has a right to official recognition and protection) and Maori people have a right to appropriate services funded through the Health System.

A Standing Committee on Maori Health, set up last year, has issued a number of challenges to the future development of a bi-cultural (and eventually a multi-cultural) health system in New Zealand:

- that the Treaty of Waitangi be regarded as the foundation for good health in New Zealand;
- that Maori tribal authorities be regarded as the proper trustees for Maori people;
- that resources be made available to those authorities to enable them to include health in their own development programmes. Improvements in Maori health are likely to come about through family, sub-tribe and tribal development and networking;

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- that Maori health issues be addressed by the involvement of a greater number of Maori people in the delivery of health services and the setting of priorities;
- that for Maori people, the health team must have the support of the Maori community and must include both Western-trained health professionals and those people trained in Maori schools of learning;
- that training programmes should reflect the bi-cultural nature of New Zealand society. If teaching institutions are unable to adequately prepare people, they should contract out to those organisations equipped to do so.

Some initiatives are already under way funded with resources from local health authorities, the Department of Health and sometimes other departments, and the Maori tribal community concerned. These include, among others, establishment of marae-based health centres; a Maori Health promotion programme; the employment of Maori community health workers; the Waiora (total well-being) programme for community development broadcasting and teaching Maori skills in schools. In addition to these programmes, meeting the new challenges of the Standing Health Committee will make a considerable contribution to a bi-cultural health system.

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With regard to housing, the migration of the bulk of the Maori population to urban areas over the past 30-40 years, where housing is much more expensive and there is a much lower average income and higher unemployment, has contributed to a lower proportion of Maoris compared with non-Maoris owning their own homes. The concept of housing has also long been based essentially in the context of the nuclear family and individually-owned land, which are not traditional Maori concepts. The Housing Division of the Maori Affairs Department has consequently formulated new policies directed towards strengthening the whanau or family and closer interaction within tribal communities. This includes, among other programmes, the extension of loans for the construction of kaumatua flats for the elderly around or near marae; the extension of loans not just to individuals but to Maori Corporate Bodies, Maori Trust Boards and Local Authorities; and housing on multiply-owned land. Government assistance for the housing of Maori people is also provided by the Housing Corporation which is closely involved in some of these programmes and actively developing a bi-cultural focus to housing and deepening its links with tribal authorities.

Time does not permit me to cover all the programmes and policies which characterise the ongoing change taking place in New Zealand and the determination of the New Zealand Government and the Maori people to give rightful status to Maori culture and traditions within New Zealand society.

Each country will have its own programmes and should, we believe, be encouraged to do so. The situation of different indigenous peoples is varied. We endorse the efforts of the Working Group, while also recognising at the same time that it has a considerable task before it to elaborate broad standards within the scope of existing UN treaties on Human Rights which can be applied effectively to distinct local situations. We in New Zealand believe that the upholding and implementation of existing human rights conventions combined with the programmes developed by and with the Maori people themselves based on a positive interpretation of the Treaty of Waitangi provide the best means forward for both communities in New Zealand at this stage.

No reira, tena koutou katoa. Greetings to you all.