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WGIP: NEW ZEALAND STATEMENT ON RECENT DEVELOPMENTS

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CHECK AGAINST DELIVERY

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Rau rangatira, tena koutou katoa.

Madame Chair

The New Zealand delegation is pleased to participate in the Review of Developments. Since New Zealand's statement at WGIP 10 last year, several significant developments demonstrate the evolving relationship between the Crown and iwi, Maori tribes, in the resolution of Treaty of Waitangi claims. The Government remains committed to the resolution of all major Treaty claims by the end of the decade.

Maori Fisheries Settlement

Last year my delegation described to this meeting negotiations underway to settle Maori claims to New Zealand commercial fish resources. I can now tell you that in September last year, a Deed of Settlement was signed between the Government and representatives of the majority of Maori tribes which effectively transfers to Maori approximately half a billion New Zealand dollars worth of assets.

These assets include a half share in the fishing company Sealord Products Limited, which under the New Zealand fisheries management system holds 26% of present fishing quota, and a commitment to transfer 20% of all new quota as further fish species come under the quota scheme. The net result is that Maori will effectively control about 40% of the New Zealand commercial fisheries resource.

Under the settlement, a Treaty of Waitangi Fisheries Commission will have responsibility for implementation of the major elements of the settlement and will be involved with the Crown in making major decisions on the management of the fisheries sector as a whole. The Commission is also charged with developing a system for the distribution to Maori interests of the very considerable benefits resulting from the acquisition of Sealord Products.

At the same time provision has been made for regulations to be created to recognise and provide for Maori interest in customary fisheries. These traditional rights can now be given legal definition, and will continue to be subject to the principles of the Treaty.

In exchange for the benefits of the settlement, it was agreed that cases against the Crown relating to Maori fisheries claims would be withdrawn, and that the Waitangi Tribunal would no longer have the capacity to report on claims concerning rights to commercial fisheries.

The fisheries settlement has enabled Maori and the Crown to take the issue out of the Courts, and for Maori to return to the business of managing their fisheries and achieving the economic development potential they offer.

Te Ture Whenua Maori

The second major development in the last year was the passage of Te Ture Whenua Maori Act 1993 after some 15 years of discussion under three separate governments. It charts a new course in Maori land legislation and was drafted in very close cooperation with Maori groups.

The Act deals with the administration and use of Maori land. Owners can now maximise the use of land, and reverse the process of land fragmentation that has historically hampered tribal economic development. The Act is based on the Treaty of Waitangi and recognises that Maori land is a "taonga tuku iho", a valued possession inherited from the past and passed to future generations.

Proposals for addressing Maori reserved land

The Government has also sought progress on another contentious and longstanding grievance concerning the administration of Maori reserved land. Most land administered under the Maori Reserve Lands Act was land set aside in the last century for Maori ownership and development at a time of large scale purchases by the Crown. However, without consultation with owners, much of the land was subsequently leased to settlers with a perpetual right of renewal, and little return for the Maori owners. Rents were set by legislative prescription and were reviewed only once every 21 years.

The Government has released proposals intended to address the inequities in the leasing system. The proposed gradual review of rents to reach market levels recognises that people who lease such land have entered into agreements in good faith. Perpetual rights of renewal will end. The focus in these proposals is to encourage owners and tenants of land to negotiate their own solutions. Much discussion remains - however, the issue is at last being considered.

Crown Congress Joint Working Party

In addition to the major fisheries settlement, good progress has also been made in a number of other Treaty claims. At last year's session of this working group the New Zealand delegation noted that the Crown and the National Maori Congress (an association of 45 tribal groupings) were working on a procedure to enable the disposal of surplus Crown land held by the Railways Corporation while enabling Maori interests to be protected.

Over the past 18 months the Crown Congress Joint Working Group has completed most of its work with more than 70% of the land subject to the Group's investigation cleared for sale. The Government is considering ways in which the precedent set by the Crown Congress Joint Working Party can be used for future negotiation processes.

Reform of Electoral System

New Zealand is currently addressing the possible reform of the electoral representation system. It is intended that, at a referendum to be held later this year, voters will be asked to choose between the current first-past-the-post system or a proportional representation system.

For Maori this referendum is of significance. The current provision for four separate Maori seats in Parliament would be retained. A new system would create a larger Parliament (from 99 members to 120) with half of the members being elected through electorates and half from party lists. A minor party would need 5% support to get any party listed member elected.

The Government has contracted the National Maori Congress to consult and inform Maori of the implications of the Bill for Maori representation and Te Puni Kokiri, the Ministry of Maori Development, has produced a discussion booklet for Maori.

Maori Health Initiatives

Reforms of the health care sector being undertaken by the New Zealand Government offer opportunities for Maori communities to ensure that health services are delivered in ways that are appropriate to Maori needs. This constitutes a significant form of empowerment.

A resource kit on health reform and seminars on health care contracts have been provided for Maori to explore and realise these opportunities. A handbook on Maori health data has been published to assist Maori and health planners. The profile indicates only modest improvement over past decades and shows a link between health and socio-economic factors, particularly income.

The support structures of the whanau, or extended family network, are already being mobilised to address a range of key health issues such as cot death, immunisation, alcohol and drug abuse and family violence. This provides an opportunity for Maori to develop an integrated and holistic approach to addressing health concerns, consistent with the Maori concept of health. Two research programmes on these matters are also being carried out by Maori groups.

Education

In the field of education there have also been several developments to which I wish to draw your attention. Initiatives by the Maori community are being supported by the Government. This includes using Maori language as the medium of instruction in early childhood - Kohanga Reo - and primary education - Kura Kaupapa Maori. The Government is funding the establishment of five more kura kaupapa (language immersion primary schools) to bring these to 28 in total. Local tribes will be closely involved in their establishment and operation.

Two wananga (or tertiary institutions) are to be established at two campuses in regional centres, providing for up to 120 equivalent full time places. A three year programme to increase the Maori language fluency of up to 250 teachers in bilingual and total immersion language programmes is being established.

Further initiatives are also being considered by the Maori community, including secondary level kura kaupapa, marae based education authorities and iwi or tribal based education authorities. These developments, modest though they may be, now make it possible for the achievement of all levels of education in Maori. They point the way to exciting future possibilities.

Amendment to Powers of Waitangi Tribunal

Earlier this year the Government introduced legislation to prevent the Waitangi Tribunal from making recommendations that the Crown acquire the ownership of privately owned land for the settlement of Treaty claims.

The proposed amendment to the powers of the Tribunal is not intended to adversely affect the general role or philosophy of the Tribunal. It remains charged with the important task of inquiring into and making recommendations to the Crown on claims by Maori dating back to the signing of the Treaty of Waitangi in 1840. The Tribunal fulfills a central role in the relations between Maori and the Crown and the Government has no intention of minimising that role. However, the proposed amendment clarifies existing policy which is that the Government will not contemplate the compulsory acquisition of private land to settle Maori claims. To do so would create new grievances and would threaten to derail the Treaty claims process as a whole. Crown owned land remains, of course, available for settlement.

Conclusion

In conclusion, Madame Chair, it is clear that there have been significant steps taken over the last year in relations between the Crown and Maori. The Government has sought to address this relationship in a fair and transparent manner. The process is complicated, and inevitably does not satisfy everyone. The Government remains committed to resolving the issues and welcomes the opportunity to place its record before the international community. Heoi ano, tena tatou katoa.