



#16

NEW ZEALAND

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES

WORKING GROUP ON INDIGENOUS POPULATIONS

SEVENTH SESSION, 31 JULY - 4 AUGUST 1989

NEW ZEALAND STATEMENT UNDER ITEM 4

Delivered by Mr John Paki,
Establishment Unit, Iwi Transition Agency

E nga mana, e nga reo o. Te ao whanui tena koutou katoa.

Madam Chairperson, distinguished members of the Working Group on Indigenous Populations, I bring sincere greetings from our homeland of Aotearoa - New Zealand.

Once again it is an honour to report to the Working Group on recent developments in New Zealand. In a subsequent statement, my delegation proposes to give a general overview of the draft Declaration.

In many ways, Madam Chair, your own work in developing and evolving a document setting out indigenous rights mirrors a process currently occurring within New Zealand. There are important changes underway in a number of areas.

However, it remains fundamental to my Government's policy for Maori people that the Treaty of Waitangi is recognised as the founding document of our nation. As it was described in a recent paper released by the New Zealand Law Commission

"The Treaty (of Waitangi) gave the Crown what it sought; sovereignty and governance over New Zealand. This is a continuing authority and power. What the Maori received in return is likewise ongoing - the continued protection of the rights that the Treaty acknowledged as theirs...".

My Government is presently evolving new measures to honour the principles of the Treaty of Waitangi and to restore and strengthen the operational base of iwi (Maori tribes). Last year the Government released two policy documents, "He Tirohanga Rangapu" (Partnership Perspectives) and "Te Urupare Rangapu" (Partnership Response), setting out its proposals for the restructuring of the Maori Affairs portfolio. This restructuring is designed to give practical effect to the changes the Government considered necessary, following extensive consultation with Maoridom, to give Maori people more say in their own destiny and in the development of the country as a whole.

Accordingly, the "Iwi Transition Agency" is assuming the operational functions of the Department of Maori Affairs. The Agency has as its objectives strengthening and developing the operational basis of iwi, and the transfer of the Department's remaining programmes to iwi authorities as soon as possible.

The Iwi Transition Agency will come into operation on 1 October 1989. Legislation will enable iwi authorities to assume a legal identity that will take account of traditional tribal structures in their management and delivery of services.

The ITA will have a life span of five years and will end in June 1994. Its effectiveness will be measured by the ability to which iwi authorities are thereafter able to administer Government programmes and to maintain and deliver services to their people. In a word, or two, iwi self management.

The policy functions previously carried out by the Department of Maori Affairs have been undertaken by a new Ministry of Maori Affairs which commenced operation on 1 June 1989. Its functions may be best explained by reference to its mission statement:

"to give substance to the principles of partnership embodied in the Treaty of Waitangi by generating an environment which encourages Maori people to express their rangatiratanga in ways that enhance New Zealand's economic, social and cultural life".

In addressing key issues, the Ministry will work towards the following goals:

- * protection of Maori interests as specified in the Treaty of Waitangi;
- * improved educational opportunities and the advancement of the social and personal well being of the Maori people;
- * increased opportunities for Maori people to achieve social and economic development;
- * strengthened recognition and development of Maori language and culture;
- * active involvement of Maori people in policy formulation and service in all areas of importance to the Maori community;
- * increased Maori participation in political processes at all levels;
- * responsiveness by government agencies to the Government objectives in "Te Urupare Rangapu" (Partnership Response) in all decision making and policy proposals.

In a further policy development, in July this year the Government released a set of principles - the Principles for Crown Action on the Treaty of Waitangi - by which it will be guided when dealing with issues that arise from the Treaty. The principles are clearly consistent with the Treaty and with observations made by the New Zealand courts and the Waitangi Tribunal.

They are, in summarised form:

- 1 the Government has the right to govern and make laws;
- 2 the iwi have a right to organise as iwi, and, under the law, to control their resources as their own;
- 3 all New Zealanders are equal before the law;
- 4 both the Government and the iwi are obliged to accord each other reasonable cooperation on major issues of common concern;
- 5 the Government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur.

The principles are not an attempt to rewrite the Treaty or reduce Government's commitment to honour it. Rather, they amplify Government's commitment by clearly stating the principles by which government will abide in respect of the Treaty.

These then, Madam Chair, are some important policy developments within my country. There are developments too in the economic field. The Government has taken an active role in assisting Maori to secure a sound economic base. It has established the Maori Development Corporation, the Poutama Trust, and a Maori enterprise development programme (MANA) to promote Maori business and ventures. The Maori Development Corporation has just announced a profit of \$1.5 million for the last financial year.

Since last reporting, the Government has made further progress in implementing the Waitangi Tribunal's recommendations. I have to acknowledge, Madam Chair, that progress is in some respects slow. But we have to accept that settlements are not easily reached. The concerns of Ngati Te Ata over Maoro lands, forests and wahi tapu (sacred sites) is an example of this. However, though it is at times long and exhausting for both the Crown and the claimant, progress is again being made on this particular issue.

The major recommendations accepted by Government from the Waitangi Tribunal relate to the denial of a land base for the affected tribes. These concern the Orakei and Waiheke claims.

The facts surrounding the Orakei claim have been described as a shameful part of our history. The original owners of our now largest city, Auckland, were wrongfully deprived of their rightful property. They had lost control over even their marae (meeting place) which had stood on Ngati Whatua's ancestral lands.

Government has accepted the Tribunal's recommendation that land be restored to Ngati Whatua ownership. This process is occurring now and is of major significance to them. For it means to Ngati Whatua the restoration of their tribal mana (or authority) over their ancestral lands. In addition to this, the terms of the Government's settlement provide a base for the future promotion of their economic, social and cultural wellbeing.

The tribe affected by the second of these claims, Ngati Paoa, was described by the Chairman of the Tribunal in that case (the Waiheke claim) as:

"now so lacking for land or other endowments that they are threatened with extinction" (p. 34 Waiheke Report).

The Government has now agreed with the Waitangi Tribunal's recommendation on that case and has returned some 2100 acres (in total valued at approximately \$1.1 million) to the tribe.

As can be seen from the above, Government is prepared to protect Maori interests and to provide redress of grievances where appropriate. My Government believes that it is important and is in the interest of all New Zealanders that injustices of our past are laid to rest. Treaty or no Treaty, this process would still have to occur where there is injustice.

The Waitangi Tribunal is pivotal to the process of resolution of grievances. The structure of the Waitangi Tribunal as a mechanism for dispute resolution is unique. For it is bi-cultural in its membership, reflecting the partnership between the two parties to the Treaty. The Government has now expanded the membership of the Tribunal to 17 members, of which at present a majority are Maori.

My Government is hopeful that the majority of claims being put by Maori to the Tribunal will be resolved in the next 5 to 8 years. It appears that all the major claims have now been filed. Government acknowledges that there is a lot of work to be done but with goodwill and good faith on both sides the timeframe can be met. This is predicated on the basis of the Tribunal hearing a representative range of claims and establishing precedents. This will in turn encourage the Crown and the Maori claimant to be more willing to enter into direct negotiations for resolution of the issue.

On the subject of direct negotiations, last month an historic agreement was reached between the Crown and Maori interests relating to forestries. The agreement is designed to enable the sale of state forest assets without prejudicing Maori land claims. The agreement takes account of both the need to protect Maori claimants and the need for security of tenure for potential purchasers of the cutting rights to the forests.

I should like to turn now, Madam Chair, to cultural matters. My delegation's statement last year addressed the importance of wahi tapu - that is, sites of special cultural, spiritual and historical significance to Maori people. The Government has now made provision for the protection of these sites on Crown land. All Crown agencies responsible for the management and disposal of Crown land must follow a procedure (prior to disposal of any land) in order that wahi tapu be protected.

In addition, some wahi tapu on Crown lands have already been returned to Maori ownership or trusteeship.

The Treaty of Waitangi guarantees the preservation of the Maori language. In this regard, the passage in 1987 of the Maori Language Act is of major importance.

The Government is taking steps to promote the Maori language also in the field of broadcasting. More time is being devoted to broadcasts in Maori on both radio and television. Government has directed the Broadcasting Commission to allocate 6 percent of its public broadcasting fee income to Maori broadcasting (the equivalent of about \$4.5 million). Funding is also being provided to establish a Maori radio station, Aotearoa Radio, and the Government has provided support for an independent Maori language broadcasting station, Te Upoko o Te Ika.

In the area of education, the Te Kohanga Reo programme (pre school Maori language nests) has been an outstanding success. Government is committed to its continuance and has recently moved to establish (as part of the Ministry of Education) a Maori Education Authority. The Authority will oversee the continued development of the Maori language, consideration of Treaty of Waitangi issues, and, above all, the pursuit of excellence in education for Maori children.

These, then, Madam Chair, are the major developments within New Zealand. However, I should also mention an occasion which occurred in June this year and which is likely to have a far-reaching political significance for Maori. This was a hui (meeting) of Maori leaders representing more than 50 tribes. This hui was the most important held in New Zealand for more than a century. The hui agreed in principle to unite all tribes under a National Congress of Maori leadership.

The purpose of the National Congress would be to enable Maori to speak with a unified voice to Government on issues of national importance. My Government welcomes this development.

In closing, Madam Chair, we recognise that the Working Group is engaged in a long and complex task in preparing a draft Declaration on the rights of indigenous peoples, and that there is still much work to be done. We warmly applaud your efforts. You can be assured, however, that like our Treaty of Waitangi, time does not diminish the principles. Rather, it takes time to perfect them.

Kia ora, tena koutou katoa.