

Mihi to United Nations Permanent Forum on Indigenous Issues

(Tauparapara)

E nga mana whenua, e te iwi Onondaga, na koutou nga karakia i tuku ki te wahi ngaro kia pai ai tatou, tena koutou.

E nga mate, o tena iwi, o tena iwi, haere, haere, haere ki te okiokinga tuturu mo te tangata.

E te whare o nga iwi o te ao, karanga mai, karanga mai. Karanga mai ki tenei waewae tapu (*manuhiri*) mai i Aotearoa.

E te hunga ora, e nga mangai o nga iwi taketake o te ao, tena koutou katoa.

Kei te mihi atu ki o koutou maunga, ki o koutou awa, ki o koutou whenua, i takea mai ai o koutou tipuna, tae noa mai ki a koutou e huihui nei i tenei ra.

I haere mai au me te ngakau mahaki, ki te whakanui i te Whakaputanga o nga Mana o nga Iwi Taketake. Kua roa te Kawanatanga o Aotearoa e whiriwhiri ana i tenei take, katahi ano ka tau te whakaaro, me tautoko.

No reira kei te mihi atu ki nga rangatira, ki nga iwi, ki nga ropu i oti i a koutou tenei kaupapa o te Whakaputanga, hei whakaae ma nga Kawanatanga o te ao.

To the inherent powers of this land; to the Onondaga people, who have offered spiritual acknowledgement to the unseen world to bless us, greetings to you.

To the spirits of the deceased, of each and every nation, we farewell you to the ultimate resting place of humankind.

To this house of the peoples of the world, please welcome this newcomer from New Zealand.

To the living representatives of indigenous peoples of the world, I salute you all.

I greet your mountains, your rivers, your lands, (the places) where your ancestors originated, including you who are meeting here today.

I come with a humble heart to celebrate the Declaration of the Rights of Indigenous Peoples. The New Zealand Government has long discussed this matter, and has recently decided to support it.

So I salute the leaders and chiefs, the many peoples and groups who established the foundation of the Declaration, for assent by the Governments of the world.

Announcement of New Zealand's Support for the Declaration on the Rights of Indigenous Peoples

1. In September 2007, at the United Nations, 143 countries voted in favour of the Declaration on the Rights of Indigenous Peoples. New Zealand was one of four countries that voted against the Declaration.
2. Today, New Zealand changes its position: we are pleased to express our support for the Declaration.
3. In keeping with our strong commitment to human rights, and indigenous rights in particular, New Zealand now adds its support to the Declaration both as an affirmation of fundamental rights and in its expression of new and widely supported aspirations.
4. Māori hold a distinct and special status as the indigenous people, or tangata whenua, of New Zealand. Indigenous rights and indigenous culture are of profound importance to New Zealand and fundamental to our identity as a nation. A unique feature of our constitutional arrangements is the Treaty of Waitangi, signed by representatives of the Crown and Māori in 1840. It is a founding document of New Zealand and marks the beginning of our rich cultural heritage. The Treaty establishes a foundation of partnership, mutual respect, co-operation and good faith between Māori and the Crown. It holds great importance in our laws, our constitutional arrangements and the work of successive governments.

5. The Declaration contains principles that are consistent with the duties and principles inherent in the Treaty, such as operating in the spirit of partnership and mutual respect. We affirm this objective, and affirm the Government's commitment to build and maintain constructive relationships with Māori to achieve better results for Māori, which will benefit New Zealand as a whole.
6. The Declaration is an historic achievement: the result of many years of discussions – 22 years in fact – and of hard work and perseverance by many people. I acknowledge the long involvement of Māori in the elaboration of the Declaration and the extent of their investment in its development.
7. The Declaration acknowledges the distinctive and important status of indigenous peoples, their common historical experiences and the universal spirit that underpins its text. The Declaration is an affirmation of accepted international human rights and also expresses new, and non-binding, aspirations.
8. In moving to support the Declaration, New Zealand both affirms those rights and reaffirms the legal and constitutional frameworks that underpin New Zealand's legal system. Those existing frameworks, while they will continue to evolve in accordance with New Zealand's domestic circumstances, define the bounds of New Zealand's engagement with the aspirational elements of the Declaration.

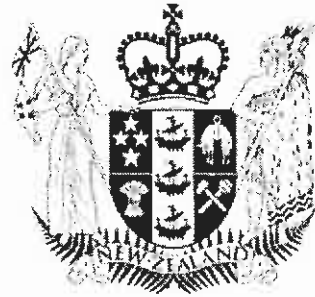
9. In particular, where the Declaration sets out aspirations for rights to and restitution of traditionally held land and resources, New Zealand has, through its well-established processes for resolving Treaty claims, developed its own distinct approach.
10. That approach respects the important relationship Māori, as tangata whenua, have with their lands and resources both currently and historically, and the complementary principles of rangatiratanga and kaitiakitanga that underpin that relationship. It also maintains, and will continue to maintain, the existing legal regimes for the ownership and management of land and natural resources.
11. New Zealand acknowledges and understands the historic injustices suffered by Māori in relation to their land and resources and is committed to addressing these through the established Treaty settlement process. Many Māori groups have already benefited from the transfer of considerable land, forest and fisheries assets through negotiated Treaty settlements; many more are in the process of negotiations with the Government towards settling their claims. These settlements contribute to the re-establishment of an economic base as a platform for future development. Redress offered in Treaty settlements is, however, constrained by the need to be fair to everyone and by what the country as a whole can afford to pay.

12. Further, where the Declaration sets out principles for indigenous involvement in decision-making, New Zealand has developed, and will continue to rely upon, its own distinct processes and institutions that afford opportunities to Māori for such involvement. These range from broad guarantees of participation and consultation to particular instances in which a requirement of consent is appropriate.
13. In those processes and institutions, we acknowledge that our ongoing national dialogue is grounded in the Treaty of Waitangi. We further recognise that Māori have an interest in all policy and legislative matters and acknowledge the determination of Māori that custom, worldviews and cultural heritage should be reflected in the laws and policies of New Zealand. Māori have been, and continue to be, active in developing innovative responses to issues with a strong indigenous perspective and in engaging with successive governments on possible paths forward.
14. We will continue that conversation within the relationship that the Treaty and New Zealand's constitution as a whole affords. Further, we will continue to work in international fora to promote the human rights of indigenous peoples. New Zealand acknowledges the ongoing process of dialogue and debate over the meanings that may be given to the aspirations put forward by the Declaration.

15. New Zealand's support for the Declaration represents an opportunity to acknowledge and restate the special cultural and historical position of Māori as the original inhabitants - the tangata whenua - of New Zealand. It reflects our continuing endeavours to work together to find solutions and underlines the importance of the relationship between Māori and the Crown under the Treaty of Waitangi. Its affirmation of longstanding rights supports and safeguards that ongoing relationship and its proclamation of new aspirations gives us all encouragement and inspiration for the future.
16. No reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Hon Dr Pita Sharples

Minister of Maori Affairs



20 April 2010

Media Release

STRICTLY EMBARGOED TO 5.00am TUESDAY 20 APRIL 2010

Supporting UN Declaration restores NZ's mana

This Government's decision to formalise its support for the UN Declaration on the Rights of Indigenous Peoples will help to restore New Zealand's mana in addressing indigenous rights, according to Maori Affairs Minister Dr Pita Sharples.

Speaking from the UN Permanent Forum on Indigenous Issues in New York, where he announced the decision this morning (NZ time), Dr Sharples said the UN Declaration sets standards for all nations to aspire to.

"This is a non-binding declaration, which was drafted by indigenous peoples' representatives and negotiated with state parties over more than twenty years. It recognises the rights of indigenous peoples to self-determination, to maintain their own languages and cultures, to protect their natural and cultural heritage and manage their own affairs," Dr Sharples said.

"The Declaration is entirely consistent with the Treaty of Waitangi, and our statement of support for the Declaration acknowledges the central role of the Treaty in New Zealand's past, present and future. However, New Zealand was one of only four countries to vote against the Declaration.

"This was a great disappointment to Maori, and called into the question the previous government's commitment to Crown-Maori relationships based on the Treaty of Waitangi. It also undermined New Zealand's credibility on human rights in the eyes of the world," he said.

"Today's announcement restores our mana and our moral authority to speak in international fora on issues of justice, rights and peace," said Dr Sharples.

"It reflects well on the relationship between the National and Maori Parties that this Government has been able to endorse this important declaration. This is a small but significant step towards building better relationships between Maori and the Crown. I hope the same spirit of goodwill can guide us to a resolution of the foreshore and seabed issue, which has also raised concerns at the United Nations.

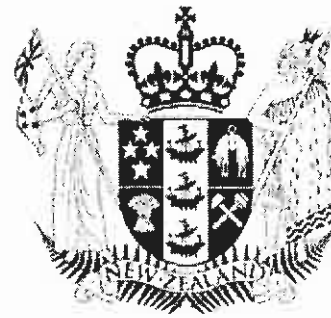
"I want to pay tribute to the 40-plus Maori delegates, among the many other indigenous people, who have travelled the world since 1988 to help draft the Declaration we are supporting today. This is their day to celebrate," he said.

Media contact: Andrew Robb 029- 482 8494 or 04- 817 6772

For live coverage of the opening of the UN Permanent Forum on Indigenous Issues go to <http://www.un.org/webcast/> Channel 4. New Zealand's statement is expected at around 0440 NZ time. Dr Sharples is scheduled to attend a press conference at the UN at around 0515 on Channel 2.

Hon John Key

Prime Minister



20 April 2010

Media Statement

STRICTLY EMBARGOED TO 5.00am TUESDAY 20 APRIL 2010 **National Govt to support UN rights declaration**

Prime Minister John Key announced today the New Zealand Government has given its support to the United Nations Declaration on the Rights of Indigenous Peoples.

The decision to support the declaration was conveyed in a speech today by the Minister of Maori Affairs, Dr Pita Sharples, to the United Nations in New York.

“New Zealand has always supported the overall aspirations of the declaration, and we already implement most provisions contained within it,” says Mr Key.

The statement in support of the declaration:

- acknowledges that Maori hold a special status as tangata whenua, the indigenous people of New Zealand and have an interest in all policy and legislative matters;
- affirms New Zealand's commitment to the common objectives of the declaration and the Treaty of Waitangi; and
- reaffirms the legal and constitutional frameworks that underpin New Zealand's legal system, noting that those existing frameworks define the bounds of New Zealand's engagement with the declaration.

“As a Government, we can be proud of the fact that we have worked through any difficulties supporting the declaration have presented,” says Mr Key.

“While the declaration is non-binding, it both affirms accepted rights and establishes future aspirations. My objective is to build better relationships between Maori and the Crown, and I believe that supporting the declaration is a small but significant step in that direction.

“This move will not compromise the fundamentals of this Government's approach to resolving Treaty claims, and its work with Maori and all New Zealanders on the many challenges we face,” says Mr Key.

Media contact: Kevin Taylor 027 600 5619

Questions and Answers

What is the significance of a United Nations declaration?

A Declaration is a statement by the UN General Assembly about matters it considers to be significant. A Declaration is an expression of aspiration. Unlike a treaty or covenant, a Declaration is not legally binding.

States do not sign up to or ratify a Declaration of the UN General Assembly. Once a Declaration has been adopted, that is it in the formal sense. States who subsequently wish to indicate their support for a Declaration may do so, for example, by way of a statement. The Government has decided to take such an approach in the present case.

What is the nature of the New Zealand support for the Declaration?

In sum, the statement:

- acknowledges that Māori hold a special status as tangata whenua, the indigenous people of New Zealand and have an interest in all policy and legislative matters;
- affirms New Zealand's commitment to the common objectives of the Declaration and the Treaty of Waitangi; and
- reaffirms the legal and constitutional frameworks that underpin New Zealand's legal system, noting that those existing frameworks define the bounds of New Zealand's engagement with the Declaration.

New Zealand has put considerable effort into developing processes that recognise the special status of Māori as tangata whenua (indigenous people), resolving their grievances, and providing for their participation and involvement in governance matters. For example, the Waitangi Tribunal is the key body for considering and making recommendations in respect of grievances of Māori. We have wanted to ensure that our support for the Declaration respects the work carried out by successive governments in New Zealand, and indeed by Māori, in giving practical effect to the Treaty of Waitangi.

What are the implications for Māori of the New Zealand Government's support for the Declaration?

New Zealand's support for the Declaration is an important step forward in supporting the rights of indigenous peoples around the world. At the very beginning of the negotiations of the Declaration there was widespread support amongst Māori for the Declaration. It reaffirms the existing rights held by Māori as tangata whenua (indigenous people) and impresses upon us all that the partnership between Māori and the government continues to evolve.

The previous Government elected not to support the Declaration, even in qualified terms, so why is the Government supporting the Declaration now?

Successive Governments have considered certain elements of the Declaration, particularly principles advocating prior and informed consent of indigenous peoples in decision-making and full reparation or restitution for wrongfully taken land and resources, to be inconsistent with New Zealand's domestic arrangements and democratic processes.

This Government has reviewed New Zealand's position on the Declaration. The statement of support acknowledges these areas are difficult and challenging but notes the aspirational spirit of the Declaration and affirms to continually progress these, alongside Maori, within the current legal and constitutional frameworks of New Zealand.

Many of the rights in the Declaration have been enjoyed in New Zealand for years. For example the Declaration includes rights of indigenous peoples to:

- full enjoyment of all human rights and fundamental freedoms without discrimination (Articles 1 and 2);
- live in freedom, peace and security as distinct peoples (Article 7);
- practise and revitalise their cultural traditions and customs (Article 11);
- practise and teach their spiritual and religious traditions (Article 12);
- participate in decisions in matters that affect their rights (Article 18);
- improvement of economic and social conditions without discrimination (Article 21).

Does support for the Declaration change the Treaty settlements process?

The Treaty settlements process and the goal of settling all Treaty claims by 2014, remain in place.

Will Māori get a veto right on government decisions?

The Treaty of Waitangi continues to be the basis for the Crown-Māori relationship. In some instances this does involve mutual agreement on proposals, notably Treaty claim settlements, but right of veto is not conferred.

What does support mean for the review of the Foreshore and Seabed Act?

The Government has released a public consultation document setting out options for a possible replacement of the Foreshore and Seabed Act 2004. The Government will consider submissions and reach a final view once the consultation process has been reported on. Support for the Declaration has no direct bearing on the review.