



TE RUNANGA O TE RARAWA
28 South Rd, P.O. Box 361, Kaitaia, Aotearoa, New Zealand

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Item 3

Special Theme: Millennium Development Goals and indigenous peoples: redefining the goals

Madam Chair,

The Report of the International Expert Group Meeting on the MDGs, Indigenous Participation and Good Governance (the Expert Group Report) states that “*the respect for indigenous peoples’ specific rights is an essential element of good governance, and ...for achieving the [MDGs]*”.¹

However, in its 2005 report to Parliament, the Committee of Inquiry to review New Zealand’s constitutional arrangements (Committee of Inquiry) stated that “*New Zealand’s constitution is not in crisis*”² – an assessment determined by the Committee despite numerous submissions from Māori URGENTLY calling for change, and the entrenchment of the Treaty of Waitangi to protect Māori rights.

And while New Zealand is a member of two International Conventions protecting self determination of peoples,³ the Government has still not ratified ILO 169⁴ - another Convention containing “*international human rights standards that have direct relevance and applicability to questions of good governance*”.⁵

The Government’s reason for non-ratification included an “*unquantified*” lack of Māori support.⁶ But how can this justify non-ratification when the Government blatantly ignored UNPRECEDENTED Māori and public opinion – 40,000 people who gathered on the steps of

¹ E/C.19/2006/7, p4.

² Report, p7, available at <http://www.constitutional.parliament.govt.nz/>.

³ International Convention on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights.

⁴ The International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

⁵ E/C.19/2006/7, p4.

⁶ Letter from Hon Parekura Horomia, Minister of Māori Affairs, to C. Davis dated 3 May 2006.

Parliament to oppose Government policy expropriating Māori indigenous rights to the Foreshore and Seabed?

We are also concerned that, in responding to the failure to ratify ILO 169, the Government did not have the courtesy to acknowledge the recommendation of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples - that New Zealand ratify ILO 169.⁷

Recommendations

Therefore, Madam Chair, in order to facilitate the development of effective and efficient strategies for achieving the MDGs, including the meaningful redefining of the Goals for indigenous peoples, we call upon the New Zealand Government to:

1. Work meaningfully with Māori to implement the Special Rapporteur's recommendation that the Government ratify ILO 169;
2. Establish (consistent with the Committee of Inquiry's recommendation) an independent body to facilitate New Zealand constitutional review and reform, led by a suitable independent party chosen from the international community;⁸
 - a. Whose experience includes the areas of indigenous human rights protection, constitutional change, negotiation and dispute resolution; and
 - b. Who has proven credibility and a track record of success;
3. Request the assistance of the OHCHR to implement the Special Rapporteur's recommendations, and those of the International Expert Group report concerning good governance and constitutional matters; and finally
4. Request the assistance of the United Nations to implement the recommendations of the Expert Group Report, in particular to "*Enhance the capacity of Governments to comply with their international obligations under international human rights law, international humanitarian law and multilateral environmental agreements*".⁹

Thank you Madam Chair.

Intervention by Ms Catherine Davis

Te Rūnanga o Te Rarawa (Authority for the Māori peoples of Te Rarawa, Aotearoa).

⁷ E/CN.4/2006/78/Add.3, page 22, para 103.

⁸ The Rūnanga notes that there are a number of examples of such an approach. For instance, Sir Paul Reeves was the Chairman of the Constitutional Review Commission whose recommendations formed the basis of the 1997 Fijian Constitution.

⁹ E/C.19/2006/7, p13, para 49(d).