

Te Rarawa (Māori Peoples of Aotearoa) Priorities

Te Rūnanga o Te Rarawa Submission: Contact catherinedavis@hotmail.co.nz

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1. INTRODUCTION

Acknowledgements

1.1. We wish to acknowledge the valuable contribution of Peace Movement Aotearoa¹ in the drafting of this paper.

Priorities for Te Rarawa Māori Peoples

1.2. Following are high-level priorities for the Te Rarawa Māori Peoples concerning New Zealand (**NZ**) Government actions and omissions. Simultaneously, each priority from our perspective denotes a current situation in Aotearoa/NZ and/or our Pacific region that requires urgent attention and improvement ("*" indicates concerns also raised by United Nations (**UN**) experts² during the interactive dialogue between the UN Committee on Elimination of Racial Discrimination (**CERD**) and the NZ Government delegation, 21-22 February in Geneva³).

1.3. In 2012, Te Rarawa and 'the Crown' (represented by the NZ Government) signed our Historical Land Claims Deed of Settlement.⁴ There are now many significant opportunities for the activation and implementation of innovative Settlement redress mechanisms involving Māori and Central and Local Government collaboration. It is intended that such good faith, open, honest and courageous efforts of and between the parties will go a substantial way to progressively achieve many of the priorities stated below.

1.4. It is our firm belief that our listed priorities, when addressed, will in fact contribute greatly to progressively resolving many of the crises facing not only Indigenous Peoples' situations globally, but humanity as a whole. It is in this light that we ask all UN member States, UN Agencies and any and all Non-Governmental Organisations to give our priorities the most serious consideration.

PACIFIC ISSUES/ PRIORITIES

2. DOCTRINE OF DISCOVERY, AND DECOLONISATION

2.1. Priority: To actively and more meaningfully facilitate enhanced awareness and understanding of the doctrine of discovery, and the

¹ For their website, see <http://www.converge.org.nz/pma/>.

² As reported by media at the UN office at Geneva. Ref [http://www.unog.ch/80256EDD006B9C2E/\(httpNewsByYear_en\)/222BAEE0F4A878B8C1257B1A004BCB18?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/(httpNewsByYear_en)/222BAEE0F4A878B8C1257B1A004BCB18?OpenDocument).

³ CERD Concluding Observations will be released after the conclusion of the 82nd session on 1 March 2013.

⁴ Copy available at <http://www.terarawa.iwi.nz/uploads/7/4/6/3/7463762/deedofsettlement.pdf>. Note that this Deed is awaiting legislative enactment.

consequences of its use in relation to Indigenous Peoples. Such facilitation to include, for example:

- a. *In Education*: a review of associated school curricula in order to ensure the inclusion of more comprehensive and legitimate Indigenous Peoples' perspectives; and
- b. *In New Zealand's Constitutional arrangements*: To secure full and entrenched constitutional recognition and protection* of:
 - i. Māori responsibilities and rights as guaranteed under Te Tiriti o Waitangi 1840 ("**Te Tiriti**", the Māori version of the Treaty of Waitangi 1840, the 'founding document' of New Zealand), and as contained in He Whakaputanga (the Māori Declaration of Independence 1835); and
 - ii. all civil, political, economic, social, cultural and Indigenous Peoples' rights (e.g. those as contained in the UN Conventions, and the Declaration on the Rights of Indigenous Peoples) and responsibilities:-

such recognition and protection to include the design and adoption of a written New Zealand constitution:

- iii. with meaningful participation by Māori, in particular obtaining Māori free, prior and informed consent (**FPIC**) regarding any proposed changes to our Te Tiriti responsibilities and rights or recognition and/or implementation of the same; and
- iv. which establishes an independent and effective mechanism for ensuring that all domestic legislation is consistent with that constitution.

2.2. Priority: To support other Pacific peoples' self-determination aspirations, including the aspiration to de-colonise.

3. CLIMATE CHANGE AND THE EMERGING CRISIS OF SURVIVAL FOR VULNERABLE PACIFIC ISLANDS

Vulnerable Pacific Islands Peoples

3.1. Priority: To seriously determine the nature and degree of our obligations to help ensure the civil, political, economic, social and cultural survival of vulnerable Pacific Islands Indigenous Peoples, and designing and implementing policy consistent with those determinations.

Impact of the 'Free Market, Debt-based, Capitalist Economy'

3.2. Priority: To:

- a. recognise that the capitalist economy (at both a global and local scale) is a key root cause of most environmental and social ill effects which today threatens the very survival of not only vulnerable Pacific Islands Indigenous Peoples, but all of humanity;

- b. heed the call of the unprecedented growing body of both Indigenous Peoples' and social movements world-wide⁵ to urgently transition to a truly equitable economy⁶ based on environmental and human wellbeing and associated values; and
- c. design and implement a comprehensive response strategy, including the transition from a GDP measure of 'progress' to a 'Genuine Progress Indicator' mechanism, and practical, inclusive and meaningful ways in which all citizens (Indigenous Peoples or otherwise) may take action to progressively realise this transition with urgency.

The Influence of Corporates on the Environment and Society

3.3. Priority: To:

- a. recognise the disturbing tendency for large corporate entities to hold a disproportionately advantageous economic and legal position and decision-making influence⁷ relative to human citizens in society; and
- b. entrench elevated constitutional protection of environmental imperatives and human rights above the 'rights' of corporates as entities having 'legal personality'.

4. HEALTH

Structural/ Institutional Discrimination

4.1. Priority: To ensure systematic equitable treatment of and for Māori consistent with all civil, political, economic, social, cultural and Indigenous Peoples' rights and standards across all socio-economic domains, including but not limited to in the area of justice, health and education.* Such equitable treatment to be achieved through, among other mechanisms, compliance with and implementation of the standards as contained in the UN Conventions and the Declaration on the Rights of Indigenous Peoples (**DRIP**).

Life expectancy

4.2. Priority: To determine and implement, in consultation with Māori, comprehensive and effective measures to ensure parity in life expectancy between Europeans and Māori.*

Language

4.3. Priority: Consistent with Articles 13 and 14 of the DRIP, to implement effective measures to protect the Māori language.*

⁵ For example, <http://www.thezeitgeistmovement.com/>, <http://www.thrivemovement.com/>, <http://www.occupytogether.org/getinvolved/#worktogether>, <http://transitionnetwork.org/> and others.

⁶ See Edgar Cahn, "Building the Core Economy", at <http://www.youtube.com/watch?v=4deABsB3TBU> .

⁷ For more, see <http://www.scribd.com/doc/112293708/The-Place-of-Corporations-in-a-New-Constitution-For-Aotearoa>.

Employment

4.4. Priority: To actively facilitate, in close consultation with Māori, job creation in areas located in our traditional lands and territories* (as opposed to predominantly concentrated in urban areas).

4.5. Priority: To recognise the increasing trend of technology replacing humans in the labour market, and in consultation with Māori, develop and implement an effective strategic response.

Prisons

4.6. Priority: To determine and implement, in consultation with Māori, comprehensive and effective measures to ensure parity of prison incarceration levels between Maori and Europeans*.

5. LANDS, TERRITORIES AND RESOURCES, EXPLOITATION, DEVASTATION, COMMERCIAL EXPLORATION AND CULTURAL HERITAGE PROTECTION

Resources

Traditional Knowledge and Indigenous Flora and Fauna (WAI 262 Claim⁸)

5.1. Priority: To ensure meaningful, sufficiently-resourced engagement between the Crown and appropriately-mandated Māori representatives in order to satisfactorily resolve this Māori claim within mutually-acceptable timeframes.

Water

5.2. Priority: To protect Māori water-related responsibilities and rights,* including our right to FPIC concerning the development and implementation of Government policy that materially affects such responsibilities and rights⁹.

Marine area/ Foreshore Seabed

5.3. Priority: To protect Māori Foreshore Seabed-related responsibilities and rights,* including our right to FPIC concerning the development and implementation of Government policy that materially affects such responsibilities and rights.

5.4. Priority: To protect Māori fisheries-related responsibilities and rights,* including:

- a. our right to FPIC concerning the development and implementation of Government policy that materially affects such responsibilities and rights; and

⁸ See link to WAI 262 claim information accessible through this site <http://terarawa.co.nz/index.html>.

⁹ See link to WAI 2358 claim memorandum accessible through this site: <http://terarawa.co.nz/index.html>.

- b. enhanced and meaningful Māori participation in decision-making relating to the setting of catch limits within the Quota Management System.

Fossil Fuels

5.5. Priority: To obtain Māori FPIC regarding the formulation and implementation of any Government policy in relation to oil exploration and fracking which may affect our traditional lands and territories, in particular any deep-sea activity.

5.6. Priority: To design and implement a practical, comprehensive and meaningful strategy to transition away from harmful fossil fuel dependence to clean, green energy-based systems and infrastructure. Such a strategy to include sufficiently resourced investment into clean, renewable or free energy technology research.

6. TREATIES

Te Tiriti o Waitangi

6.1. Priority: To secure full legislative recognition and protection of Te Tiriti o Waitangi,* including:

- a. integration of Te Tiriti into domestic law; and
- b. establishment of an independent and effective mechanism for ensuring that all domestic legislation is consistent with Te Tiriti.

UN Conventions

6.2. Priority: To secure full legislative recognition and protection of all civil, political, economic, social and cultural rights (e.g. those as contained in the UN Conventions)*, including:

- a. integration of such rights into domestic law; and
- b. establishment of an independent and effective mechanism for ensuring that all domestic legislation is consistent with such rights.

Trans Pacific Partnership Agreement

6.3. Priority: To ensure that:

- a. Māori are involved in negotiations of this trade agreement; and
- b. Māori FPIC is obtained concerning any and all provisions, the enforcement or implementation of which could reasonably be seen to materially affect Māori responsibilities and rights.

GLOBAL ISSUES/ PRIORITIES

7. REVIEW OF INVOLVEMENT BY INDIGENOUS PEOPLES IN THE UN SYSTEM - THE STATUS OF INDIGENOUS PEOPLES

The 1st and 2nd Decade of Indigenous Peoples

- What has worked and what is not working?

- What have we learnt?
- The way forward

7.1. Priority: To address any ongoing concerns held by Indigenous Peoples regarding the standards of Indigenous Peoples' participation in the UN WCIP 2014 (including preparatory meetings), including:

- a. lack of funding for full and meaningful Indigenous Peoples participation; and
- b. the WCIP as a "Plenary" meeting with high degree of State control over process and procedure, including Indigenous Peoples' direct engagement in the WCIP sessions (as opposed to other world conferences that allow for full-scale preparatory meetings and greater levels of participation by Indigenous Peoples).

7.2. Priority: To update and make publicly available a comprehensive and macro-level audit of the implementation (or non-implementation, as the case may be) of recommendations contained in key documents such as:

- a. Country reports by the Special Rapporteur on the Rights of Indigenous Peoples;
- b. Periodic country reports, NGO shadow reports and UN Committee Observation reports, regarding compliance with the UN International Conventions;
- c. Reports of the Permanent Forum on Indigenous Issues and Expert Mechanism on the Rights of Indigenous Peoples:-

and then identify solutions to improve and facilitate their implementation.

**The United Nations Declaration on the Rights of Indigenous Peoples:
Four key themes:**

7.3. Priority: (the same as in para 7.1 above in relation to:

- a. Self-Determination;
- b. Participation in decision-making including free, prior and informed consent;
- c. Respect for and protection of culture; and
- d. Equality and non-discrimination).

8. The creation of Institutions to provide mechanisms for the implementation of the Declaration

8.1. (No suggested priorities for this topic).

9. Recommend the UN Declaration become a Treaty and/or include an optional protocol

9.1. Priority: To obtain the required threshold of support for this recommendation to be ultimately adopted by the UN General Assembly.