HUMAN RIGHTS COUNCIL

 EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES

 FOURTH SESSION, JULY 11 – 15, 2011, GENEVA

E nga mana, e nga reo, e nga maunga, e nga awaawa, e nga pataka o nga taonga tuku iho, tena koutou katoa

[ *Translation : to all expert colleagues, all voices, the mountains, the rivers, the treasure houses, greetings to all of you.]*

Mr Chairperson, thank you for this opportunity to speak as the Commissioner Representative of the New Zealand Human Rights Commission.

The right to participate in decision making for Maori, the indigenous people of Aotearoa New Zealand, is primarily through the Treaty of Waitangi. Signed in 1840, the purpose of the Treaty was to protect Maori rights and property, keep peace and order and establish government. It establishes a relationship “akin to partnership” and confers rights and obligations on the Treaty partners who are the Crown (Government) and *Rangatira* (Maori leaders).

New Zealand’s history since the signing of the Treaty, however, has been marked by repeated failures to honour these founding promises. While there has been significant progress in some areas, the status of human rights and the Treaty in New Zealand today, is mixed.

As noted in Section 1v, Part B, Para 43 of EMRIP’s Final Study on Indigenous Peoples and the Right to Participate in Decision Making, key mechanisms for constitutional participation include dedicated Maori seats in parliament and a dedicated Minister of Maori Affairs. The Waitangi Tribunal has made progress in hearing and settling Treaty claims and resources are being directed into the revitalisation of Maori language and *whanau* (family) centred initiatives,particularly in health and education.

Still, there are major challenges in Aotearoa New Zealand today – in health, education, employment, standard of living and imprisonment. However, I shall focus on that of enabling Maori participation in decision making at local government level.

Currently, Maori representation in local government sits well below the proportion of Maori in the population. Public discussion about this issue was revived in 2010 when the government decided NOT to adopt the recommendation of the Royal Commission on Auckland Governance that there should be three councillors representing Maori in the Auckland Council which was being restructured. Consequently, there are no Maori councillors on the Auckland Council. Specific Maori influence on council decision making is more indirect – by means of an advisory body. Auckland is New Zealand’s largest and most racially and culturally diverse city

As noted again, in Section 1v, part 3, para 55 of the study,the Local Electoral Amendment Act of 2002 provided all local councils with the option of establishing Maori constituencies or wards on the same basis as the Maori seats in Parliament. Despite this, only one regional council in the country has had direct Maori representation since 2004 and the evidence is that the system works well. Many other councils have considered the option but not one other has taken it up.

Mr Chairperson, with respect to the Annex, Para 37 of the study,the New Zealand Human Rights Commission has identified this as a pressing human rights issue: in its annual review of race relations, the Commission identified Maori representation in local government and an effective voice for Maori in the decisions of the new Auckland Council as being among the top 10 race relations priorities for 2010; in addition, the Commission’s 2010 second 5 year review of how well human rights in New Zealand are promoted, protected and implemented included amongst its 30 priority areas for action, a democratic rights priority to increase “.. the representation of Maori, Pacific and other ethnic groups in local government.”

Further to this, in September 2010, the New Zealand Human Rights Commission published a paper on Maori representation in local government. As a result of public discussion, the New Zealand Human Rights Commission now has a number of recommendations including that:

* the new Auckland Council should proceed to establish Maori seats without further ado, subject to re-endorsement by Auckland *iwi* (indigenous tribes)
* discussions should take place between councils and iwi on Maori seats and Maori representation prior to the next representation review in 2011-2012 and
* there should be further national discussion on improved provision for Maori representation.

The Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, visited New Zealand in August 2010. The New Zealand Human Rights Commission welcomed his subsequent report and in this case, his recommendation that “... the State should focus special attention on increasing Maori participation in local governance.”[[1]](#footnote-1)

The New Zealand Human Rights Commission will continue to energetically advocate for this issue, monitor the work of the government and keep the Special Rapporteur informed.

Thank you for your attention, sisters and brothers.

No reira, tena koutou katoa [*And finally*, *greetings to you all]*

Commissioner Karen Johansen,

New Zealand Human Rights Commission

July 2011

1. Conclusions and Recommendations Vi.A.1. para 68 [↑](#footnote-ref-1)