

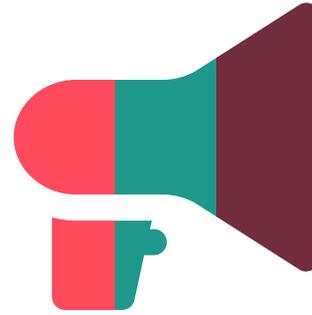


**The Rights of
Indigenous Peoples:**
What you need to know.



**NZ
Human
Rights.**

UNDRIP?



UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples) is a comprehensive international human rights document on the rights of indigenous peoples. It sets out the minimum standards for the survival, dignity, wellbeing, and rights of the world's indigenous peoples.

Indigenous peoples, including Māori, were involved in drafting it. The Declaration reflects existing international human rights standards and explains how these apply in the specific circumstances of indigenous peoples. The New Zealand government announced its support for the Declaration in April 2010 at the United Nations.

Its 46 articles cover all areas of human rights as they apply to indigenous peoples. Key themes are:

- self-determination
- equality and non-discrimination
- participation, underpinned by free, prior, informed consent
- culture
- land, territories, and resources.

What are the UNDRIP's aims?

The Declaration aims to “enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith”.





Who are indigenous peoples?

Around the world, indigenous peoples may be known by names such as: tangata whenua, aboriginal, first nations, 'native' or 'tribal' peoples. Māori are the indigenous people of Aotearoa New Zealand.

It is up to indigenous peoples themselves to decide whether they consider themselves to be indigenous (self-identification).

Some of the features and experiences common to indigenous peoples around the world are:

- self-definition as indigenous and distinctly different from other groups within a state
- special attachment to and use of their traditional land
- experience of subjugation, marginalisation, dispossession, exclusion or discrimination as a result of colonialism.

The Treaty of Waitangi (Te Tiriti o Waitangi).

The Treaty of Waitangi is New Zealand's own, unique statement of human rights, and can be understood as our first human rights treaty. It has become the central focus for the Government's efforts to resolve indigenous rights issues here:

The articles of the Treaty reflect fundamental human rights principles:

Article One

Reflects the right to self-determination for incoming settlers, democratic and citizenship rights

Article Two

Reflects the right to self-determination for tangata whenua, indigenous rights and property rights

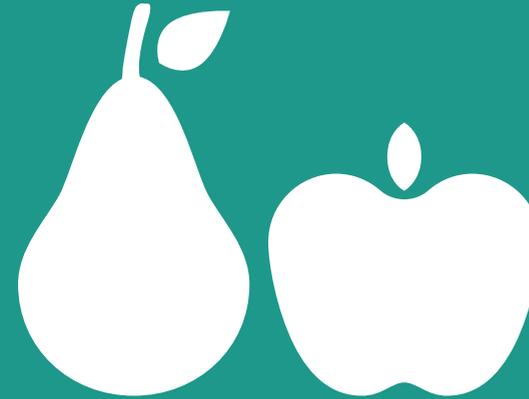
Article Three

Reflects the right to equality and non-discrimination

Article Four

Reflects the right to freedom of religion and beliefs.

These fundamental human rights are affirmed in international human rights documents, including the UNDRIP.



What is the relationship between UNDRIP and the Treaty of Waitangi?

The Treaty and Declaration are strongly aligned and mutually consistent. The Declaration assists with the interpretation and application of the Treaty principles.

Partnership:

Which entails good faith cooperation and shared decision making.

Protection:

Protection of rangatiratanga (self-determination) and taonga such as reo (language), tikanga (customs), mātauranga (knowledge), land and resources.

Participation:

Participation in society on an equal basis to others, and freedom from discrimination.

UNDRIP affirms the status of treaties between indigenous people and States. It helps explain how international rights standards apply and how treaty promises can be achieved.



“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.”

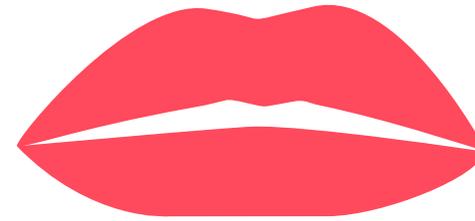
Minister of Justice, Parliament, 2010

What does UNDRIP mean for Aotearoa New Zealand?

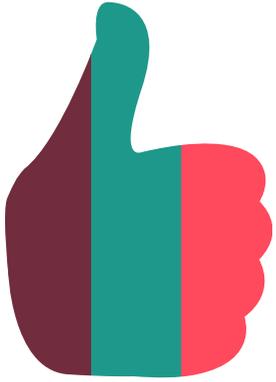
The Declaration holds considerable moral authority and contains principles that are consistent with those in the Treaty, New Zealand’s founding constitutional document.

This means that government decisions and policy should take the principles of UNDRIP into consideration alongside the Treaty.

To view the full declaration visit: www.hrc.co.nz



What
do the
UNDRIP
articles
say?



Indigenous peoples have the right to:

1. All human rights, including collective rights
2. Equality and non-discrimination
3. Self-determination
4. Autonomy or self-government
5. Their own institutions
6. A nationality
7. Life, liberty and security
8. Protection from cultural destruction or assimilation
9. Belong to indigenous communities or nations
10. Freedom from forced removal from their lands
11. Their culture and cultural property
12. Their spiritual and religious customs
13. Their languages, stories and names
14. Education, including in their own language
15. The dignity and diversity of their culture
16. Their own media and equal access to all other media
17. Protection in employment
18. Participation in decisions that affect them
19. Good faith consultation on laws and policies that affect them
20. Their own political, social and economic institutions and activities
21. Improvement of their economic and social conditions
22. Particular attention to the needs of elders, women, youth, children and disabled people
23. Development
24. Health, and to their traditional medicinal resources and health practices
25. Their spiritual relationship with their lands and resources
26. Recognition and protection of their lands and resources
27. Fair processes for dealing with their rights to lands and resources
28. Redress for lands and resources taken or damaged without consent
29. Environmental protection
30. Consultation before their lands are used for military activities

31. Their cultural and intellectual property
32. Use and develop their lands and resources, and consultation on projects that would affect these
33. Determine their own identity and membership
34. Their own institutions, laws and customs
35. Determine the responsibilities of individuals to their communities
36. Maintain and develop contacts across borders
37. Observance of their treaties with States



How is the Declaration applied?

The final articles of the Declaration provide guidance on how it is to be interpreted and applied. The Declaration is applied:

38. By States, in consultation and cooperation with indigenous peoples, through appropriate measures, including legislation
39. Through financial and other assistance to indigenous people
40. By ensuring indigenous peoples have access to fair procedures for resolving disputes with States, and to remedies for breaches of their rights

41. With financial and other assistance from the United Nations and other international organisations, and by establishing ways to ensure indigenous peoples' participation in matters that affect them
42. Through promotion and follow up by the United Nations and States



The rights set out in the Declaration:

43. Are minimum standards
44. Apply equally to males and females
45. Do not diminish any other rights that indigenous peoples have
46. Do not allow actions that are contrary to the Charter of the United Nations, or that diminish the territorial integrity of States

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