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| **Speak Up - Kōrerotia**  **19 August 2015** | |
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|  | Coming up next conversations on race relations and human rights with Speak Up - Kōrerotia, here on Plains FM. |
| Sally | E ngā mana,  E ngā reo,  E ngā hau e whā  Tēnā koutou katoa  Nau mai ki tēnei hōtaka: “Speak Up” – “Kōrerotia”.    Join the New Zealand Human Rights Commission as it engages in conversations around race and diversity in our country. Tune in as our guests “Speak Up”, sharing their unique and powerful experiences and opinions... May you also be inspired to “Speak Up” when the moment is right.  Nau mai haere mai ki tēnei hōtaka: “Speak Up” - “Kōrerotia”. I am your host Sally Carlton, from the Human Rights Commission here in Christchurch. The first half of this show we’re going to be talking with three guests in the studio: Sacha McMeeking and Garrick Cooper from Aotahi, the school of Māori and Indigenous Studies at the University of Canterbury, and Katherine Peet here representing Network Waitangi Otauhahi. And then later on in the show we’re going to be speaking with Human Rights Commissioner Karen Johansen about some of the work she’s been doing recently.  Now, to celebrate the 9th of August, the International Day of the Worlds Indigenous People, the topic for this month is going to be indigeneity and what does it mean to be indigenous? What is indigenous? These are some of the difficult and deep questions that we will be thinking about.  So just to start with, if you guys could introduce yourselves please. |
| Garrick | Kia ora, Garrick Cooper, I’m a senior lecturer at the School of Māori and Indigenous studies. I originally hail from the north, from Hauraki in the Coromandel region and the Bay of Plenty Tauranga Moana. I have been down in Christchurch since 2009. |
| Sacha | Kia ora koutou, I’m Sacha McMeeking. I’m the Head of School for Aotahi Māori and Indigenous Studies. I’m new in that role, six weeks in. I’m of Ngāi Tahu descent and have spent the last ten or so years - I’m a little bit nervous about showing my age here - working for and with iwi Māori in a range of different roles including in the international arena. |
| Sally | I’ve actually seen you present in some of those roles, could you maybe just run us through them briefly? What have been some of the key things you have done? |
| Sacha | There’s a group of us… My career started going through a range of UN and human rights bodies on foreshore and seabed round one. So that was my life changing experience of going to the human rights bodies and advocating ultimately successfully that the Foreshore and Seabed 2004 Act breached international human rights standards. |
| Katherine | Kia ora koutou I’m Katherine Peet and as Sally said I’m with Network Waitangi Otauhahi which is an educational NGO, and the NGO bit is important to Network Waitangi because we think that’s where the independent thought gets developed. So we’re interested in independent thought in terms of this response to being in a country where indigenous people have not been recognised, to put it mildly. |
| Sally | OK, so to kick off the discussion today I think it might be an appropriate place to start to think about what is indigenous? And the United Nations Declaration on the Rights of Indigenous People doesn’t actually really define it as such; it talks about connection to land, it talks about a history of colonisation, and those are sort of the only two points that are brought forward. So if you’ve got any thoughts on what it is, that would be a really good starting point. |
| Sacha | So I think the concept of indigeneity, there’s personal dimensions to it and conceptual, legal dimensions to it and I think it’s really tempting to get into the law before talking about the soul. So I think for me being indigenous on a personal level is about belonging to a community. So a couple of weeks back I was at a tangi for one of the matua of Ngāi Tahu that has dedicated his life to the iwi and there were a few hundred people there and so those few hundred people have shared memories, shared stories. And all of the teenagers that were walking past, 50 people would say, “I remember when you were this big! What happened to you? Didn’t you grow up!” To me, that’s the soul of being indigenous, it’s that community that has meaning and history and future and belonging and heart, whereas the conceptual dimensions I think are a lot about asserting an identity as against a state or as against a political order and I’d really like to invite Garrick to comment on how that conceptual definition and then an advocacy-based definition has somewhat skewed what indigeneity can and should mean. |
| Garrick | So the first comment I might make is the recognition of indigenous peoples is really important as a part of a process to address historical wrongs but also the sets of experiences and conditions we face in the now and how historical experiences have influenced and shaped the conditions in which indigenous people live now and how we might then go about addressing them.  At a sort of more philosophical level, I guess, one of the problems of indigeneity is its temporal component. So a philosopher that I read a lot of - and he’s written a piece on the temporal dimensions of indigeneity and in particular he talks about indigenous people having an imposition of authenticity - it’s a temporal imposition of authenticity that is expected of indigenous people. So I will explain what he is meaning there: What he is saying there is that, in effect, indigenous people are expected to be, in order to be authentic, how we first were when Europeans first met us. It’s an egocentric view in the sense that we cannot change, we’re not allowed to change unless if we want to maintain our authenticity in the eyes of the coloniser. Whereas the coloniser, or the people that come to this land, are allowed to change and progress and develop. We’re expected to look a particular way, to speak a particular language, to think a particular way and to be a particular way and the way in which he describes this really nicely - it’s not nice, but he describes it really well - is the idea of being ghosts. So we’re expected to be ghosts, to be of the past but living in the present but not allowed to change. It’s a critique of notions of indigeneity that I think is really relevant, certainly in the New Zealand context but internationally as well. |
| Sacha | I have a story that goes with that. A few years ago when I was doing some work, a blogger decided to go for a personal assassination attack on me. I was in good company in terms of who he was picking, but most of the comments in that blog were about my name being not Māori, about not looking authentically Māori because I am fair. And it was that expectation that because a certain indigenous identity that it was appropriate for other people to comment on the legitimacy of my identity as indigenous which I think is a practical example of… |
| Sally | One thing that I think is quite interesting when we’re thinking about indigeneity is the stereotypes that come with it and we’ve been touching on that: you should look a certain way, you should act a certain way, speak a certain way, not change. Do you think you see any work going on that’s trying to debunk or destabilise some of these myths? |
| Garrick | I think a lot of that is happening organically as well. So just as a small example: When I was young, Māori used to play rugby, wouldn’t play netball and some would play tennis. And you go and look at Māori communities now, they are engaged in a range of different sports, golf, table tennis and all sorts of sports and so there’s a presence of Māori in a whole range of domains that we weren’t previously. And also in terms of work force and so on, we’re not just labourers anymore doing construction, leaning on the shovel on the side of the road. There are lawyers, doctors, politicians and so on, so it is organically changing. |
| Katherine | And I think that that is one reason why Network Waitangi refers to its particular focus as being to support Tangata Whenua regaining and retaining \_\_\_\_\_\_ and their status as indigenous people. It’s not our job to sort of be directly involved in that but to get the road blocks out of the way so that Tangata Whenua can get on with it. And on the one hand that requires us to be in relationship with Tangata Whenua so that we don’t put our foot in it, but it also requires us to get on with the washing of trying to get those road blocks out of the way.  So I guess that’s the thing that was really helpful for me in getting a little bit of experience in this was really the result of marrying a Welshman and we went to live in this country called Wales and this was where bilingual activity was alive and well in the 1970s, they were fighting for this. And so it was a very interesting thing for a science and maths teacher, teaching in a big comprehensive school on the edge of the Welsh coalmining valleys, having the experience of all the children’s first language being Welsh yet the language of instruction was English. And that really put me in a context where I had to think about the educational role that I was playing and that whole sense of having been brought up in Christchurch, lived in Christchurch all my life really... well, I had until then. And getting little insights into the loss that these people had felt. And so parents would take us to the top of a hill and show us how the English had diverted a river into England away from its old flow into Wales and they showed us and told us the stories. And nobody would talk to us initially in pubs because they thought we were English; once they discovered the NZ sticker on the back of our purple mini it was actually fine. But I think that insight in the 1970s was probably what woke me up into a huge respect for the people who…  And when I came back to New Zealand that sense of indigeneity was something that I began to get in touch with really through the Green movement in some ways because Maurice Grey was out at the centre for resource management at Lincoln University and that was really early days for a Pākehā man, John Hayward in this case - Bronwyn Hayward’s father - who was just saying, “No, no this fellow… We’ve got something really important here” and he just opened it up and did get the road blocks out of the way. So it was that modelling which was so important for me in terms of beginning this journey which is sort of when I gave up school teaching and started to do this other stuff. |
| Sally | Sorry to interrupt but we’re going to have to take a little break. Sacha, we’re going to be playing your choice of song, ‘Redemption Song’. If you could just explain why you wanted to have this one played? |
| Sacha | So ‘Redemption Song’ I think has themes that resonate with this conversation, it’s a party favourite and I also have a really good friend that’s been an activist in this area for a long time and at her, some significant birthday, at the marae it was a great meeting of really strong Māori who were activists in this space and also really strong non-Māori who were activists in this space and the non-Māori who were at her party after doing their speech to acknowledge and honour her, sang ‘Redemption Song’. |
| Sally | Oh lovely. |
|  | **MUSIC – ‘REDEMPTION SONG’, BOB MARLEY** |
| Sally | Welcome back to “Speak Up” – “Korerotia” here on Plains FM 96.9. We’re speaking about indigeneity with Sacha McMeeking, Garrick Cooper and Katherine Peet and we’re going to move on and think a little bit about the International Day of the Worlds Indigenous People. The topic for this year was “Post-2015 Agenda: Ensuring Indigenous People’s Health and Wellbeing”, and I know you’ve got some comments on the idea of indigenous health and wellbeing. |
| Garrick | So when we read that, our first… had a little jolt to it, in terms of it being a really structuralist framing of the issues that are important to indigenous people. So I’d like to sort of suggest that we broaden the lens of this notion of wellbeing because I suspect it’s clearly linked to some of the statistical data that comes out around indigenous people. And there are different entry points to address and improve wellbeing of indigenous people and in particular, one of the key moments in sociology in the US for example is the work of W.E.B De Bois and his work in Philadelphia and his work, his book called *The Souls of Black Folk*. And one of the insights that he gained was that the system wanted him to investigate black people in Philadelphia and why they were a problem, but what he did was he turned the lens and made it look at the system. And it was a key moment in sociology in the US, not that it’s been picked up by a broader sociological community but in any case...  Just sort of bringing the conversation back to New Zealand, take a broader conception of health and wellbeing. And so and we were just saying a little bit about statistics... I like to have a little gripe about statistics, like most folk. One of the problems with statistics is we’re bombarded with this in New Zealand context about Māori, so it’ll be 50% of the prison population, have the poorest health outcomes, educational outcomes etc etc. One of the problems with the statistics around this is it’s read… the meaning of the statistics is read as self-evident; that is to say that there’s a natural conclusion to draw from these sets of statistics. Well in fact they’re not natural conclusions and we give meaning to those numbers. But often the reading of those statistics is that, so in the case of educational statistics that Māori are simply slow learners and disengage from the system and that the way to address this is to introduce a series of interventions and over the last ten years in mainstream education this has been the case, the focus of the Ministry. However, if we move at different angles we can address a broader range of issues not by coming in at that single entry point, so the entry point of intervention. So that’s just an idea of how we might re-interpret and use statistical data in a way that might be more empowering I guess. |
| Sally | And more productive. |
| Sacha | So I agree with Garrick. I think statistics are used to portray Māori in the media as mad, bad and sad and therefore we focus on those problems and I think… So we’re now 20 years after the first Day of the Worlds Indigenous Peoples and 20 years on, the journey is in a very different place. And instead of just focusing on the problems of perceived mad, bad and sad Māori - which we’re not - I think we’re moving increasingly into an era of solution-building which is a product and an expression of greater self-determination held by indigenous peoples. It’s still an aspirational journey, we’re not there yet, but as Māori have greater control over their resources, greater ability to give effect to their own aspirations, I think we’re seeing really powerful innovations coming from within Māori to solve those problems. So I think if we look at Māori diabetes, obesity, all of those types of stats, we’ve got really good Government interventions that are focused on public health messaging primarily and they’re good awareness building… They’re still focused on the problems though, it’s not that they’re unhelpful, they’re constructive and they’re positive but they’re focused on the problem. And then on the other side we’ve got Māori-created initiatives like Iron Māori, get three generations of Māori out doing triathlons of all shapes and sizes, wearing lycra, training in advance of Iron Māori because it’s fiercely competitive and whakapapa is on the line. And to me, that is an expression of self-determination, that is Māori creating our own solutions within our own frame of reference that are transformative solutions that don’t focus on the problem. |
| Sally | That’s so nice to hear some of the positives as well, we’re always hearing about all of the negatives, all the negatives but some of these positive stories I think are so powerful. |
| Katherine | And I think the experience of people seeing Tangata Whenua do these things differently is really highlighting the options for others to do things differently and act in alliance with this new way of developing this country and I think we do have… Like, I think the story I quite like is the guy on the river bank fishing and an apparently dead person comes down the river with the stream and of course he rescues him, no he’s not dead and so he resuscitates him and brings him back to life and after two or three times of this happening he puts his fishing rod down and walks upstream to see who is throwing him in. And I think there are more and more people, particularly in the NGO sector, who are walking upstream to see who is throwing people in because I think the thing we’ve learned is there are a lot of Tangata Tiriti - are the people I refer to as those who are interested in this Treaty as a framework for the future for this country - who are saying, “Yeah we do need to be upstream and seeing who is throwing them in and do that different work”. And then I think the alliances with Tangata Whenua are built and sort of feed off each other really in a constructive way. So that’s my dream of how we might make the Treaty as a useful framework for the future. |
| Garrick | So it’s calling in to a type of systemic analysis. |
| Katherine | Yes. |
| Sally | One thing that always strikes me when I’m thinking about indigenous solutions and indigenous empowerment is education and the sort of the western models versus some of the indigenous models which are so different and so much about multi-generational learning, experiential learning, getting-out-there-not-in-the-classroom type learning, and the differences between those two models. Any comments on that? |
| Garrick | Sure. To just sort of weave into the last part of the conversation, so one of the most successful educational projects initiated by Māori is of course the Kohanga Reo and the Kura Kaupapa Māori and one of the differences of that from other interventions is that Māori conceptualised what the issue was and therefore what the solution is. And clearly it’s been very successful; indigenous groups all over the world have looked to Māori for some advice and guidance on this.  There is a word of caution though. So whilst there is this potential transformation going on through these movements, there is a tendency of the State to start to domesticate some of these interventions and projects that Māori develop. And particularly this plays out in Kura Kaupapa Māori, and it’s an area of work that I have spent some time in, so you talk about experiential learning and so on and different knowledge systems. And I think one of the problems with State involvement in Māori projects is it starts to dictate, once there’s money that flows from the Government, it starts to say these are the things that you need to measure up to. And the Kohanga Reo and the Kura have been successful at trying to develop something but they need more hands off from the State around these things and more support and to recognise the expertise that Māori have and the ability to create and drive solutions to our problems. |
| Sally | Other than the State being too interventionist, do you see any threats to this idea of indigenous health and wellbeing? And I’m thinking maybe large scale as well. |
| Katherine | Well I would start with the **30:38** system that we’ve got for the land but I mean there’s a lot of legal constructs that have been developed in this country which I think are limiting the possibilities. And as we get into new frameworks around the development for the Whanganui River in Waikato and the Tuhoi settlements and so on, we need to develop new legal instruments or find other ways of doing things. So I think there are big obstacles in the way and I think taking your point about education, certainly what we find really helpful to get the shoulders to come down and to be able to hear the depth of the stories of this land that we don’t know about because of colonisation, we find getting people who are not Tangata Whenua to talk about their hopes and aspirations and when they do that and they see what they come up with, it feels very exciting. And you simply can’t limit that conversation inside putting a dollar value on things. And so you have to think wider around values and hopes and goals and so on and I think that what makes the wider population more able to really value what Tangata Whenua are leading. So I think this is… as far as education is concerned, we are really clear that there is a lot of work that needs to be done and now that we have even the Waitangi Tribunal acknowledging that Tangata Whenua didn’t seed sovereignty, we actually… using that sovereignty word, that’s what they’ve used, we now have more justification for being able to do the stuff that we’re doing. Because up until now it’s been seen as, “Oh well you’re just talking fibs” but actually we’re not talking fibs. So this is great but it’s done on the backs of Tangata Whenua, it’s very draining, I know. |
| Sacha | One of the things I’m really aware of is that I think I was born a generation late for what I really wanted to do. So the generations before me have had this burden of being advocates for what is right, so it was their job to carry the big **28:25** debates, to fight for one of the first base of recognition of the legitimacy of indigeneity, of the legitimacy and presence of indigenous rights. I think that we’ve reached a really powerful position where there will always be an important role for advocacy and for negotiating that relationship between State and indigenous people, that will never stop, it’s really important.  I think increasingly though we do have a platform where it is about the expression of tau tatau **27:54**, it is about what we do with that, how we practice self-determination. So I think that question of what is the greatest threat to Māori health and wellbeing is not the threat from the lack of recognition, I think the greatest threat is how we take the opportunities that we have, the resources that we have and how creative and imaginative we can be with them. So to me that’s not a threat, that is just a remarkable opportunity that we’re working towards on multiple different fronts, there are innovations in every sector that we look to, whether it’s Te Pa o Rakaihautu which is not a Kura but it’s not a standard school, it’s bilingual, it has place-based education where the tamariki go out every Wednesday and learn about the histories of this place. So to me that’s a great example of how solution-building in the era of practicing self-determination rather than just fighting for it can create change that we can’t even imagine how powerful it’s going to be. |
| Sally | That seems like a really uplifting and positive place to end our conversation so I just want to say a huge kia ora and thank you for coming in today because it’s been a really enlightening, I think, conversation. |
| Garrick | Kia ora. |
| Katherine | Kia ora. |
|  | **MUSIC – ‘FRISK ME DOWN’, KATCHAFIRE** |
| Sally | Kia ora and welcome to “Speak Up” – “Korerotia”, the show of the Human Rights Commission here on Plains FM. And now we’re moving to speak with Karen Johansen, Human Rights Commissioner. Karen, if you could please introduce yourself and tell us a little bit about the work that you do. |
| Karen | Tēnā koe Sally. As you say, my name is Karen. I am a part time Commissioner with the NZ Human Rights Commission and my particular portfolios are to do with indigenous human rights and that is associated and connected to my portfolio – well, the Treaty of Waitangi – in partnership with the Chief Commissioner whose Treaty of Waitangi focuses on Tau Iwi and of course mine is on Māori. That is the area of work that I do apart from being a board member. So where I’m a board member, a strategic leader and sometimes I roll up my sleeves and do some of the mucky stuff on my own as well. |
| Sally | Great. What are some examples of the engagements that you undertake as Commissioner with the portfolio for indigenous rights? |
| Karen | We have a strongly domestic focus of course but also international connections and I’m thinking amongst a lot of projects that we have a long-standing partnership with a little kura in Wairua called Te Kura Kau Papa Māori o Ngati Kahungunu o te Wairoa which in 2010, as a result of a lot of drive and energy coming from the staff at the school and the board and the support from the Human Rights Commission, declared itself a human rights kura. And we’re very proud of that, it’s the first of any kura, I think probably school, to declare itself a human rights school where it threads human rights through its curriculum. And out of that has come another vision, a wider vision called Te Wairoa Reorua Vision 2040 where the dream is to have Wairoa, its small community entirely bicultural and that is a support… Because obviously we support the strengthening of te reo Māori in our country, we support that project as well. |
| Sally | Fantastic. And I know you mentioned that - and this kind of segways well into the information I’d really like to be talking with you about - you were talking about the school at the Expert Mechanism for the Rights of Indigenous Peoples, I believe, as a good example of indigenous empowerment in New Zealand. |
| Karen | Yes that’s true and that was very interesting for the people I was speaking to. And I think the point I was making was that the context is everything; you can’t just impose a wish for learning te reo, for example, on people, it’s got to have a connection. And the examples that we gave or that the people in Wairoa gave were how wonderful it was to be at a weekend event pa haka wars and hearing nothing but te reo - ka rere te reo - the reo flew and took flight. Everybody was speaking it and context is everything. |
| Sally | Fantastic! Now, if we maybe go back a step and if you could tell us a little bit… What is the Expert Mechanism for the Rights of Indigenous People? What’s its purpose and the regularity of it, that sort of thing? |
| Karen | Sure that’s a good question. If we go back even more: the rights of indigenous peoples are inherently present in all of the UN treaties and conventions but there are three major United Nations mechanisms, relatively recently established, which work exclusively to advance the rights of indigenous people. So one of those is what’s known as the Permanent Forum for Indigenous Issues that was established in 2000 with a mandate to discuss and report on the issues relating to economic and social development, on culture, on the environment, on health and human rights of course and it meets once a year in New York. It has adopted a Declaration for the Rights of Indigenous People as its legal framework and it’s a sort of a huge market place for indigenous stories and indigenous challenges and networking.  And then there’s the Expert Mechanism for the Rights of Indigenous People, which was established in 2007 and provides a big organisation inside the UN which is called the Human Rights Council with what they call thematic advice in the form of studies and research on the rights of indigenous people. It meets in Geneva once a year and the kinds of studies that they’ve undertaken concern indigenous people – the right to education, the right to participate in decision making. This year it’s on protecting and supporting culture and heritage and of course the Declaration for the Rights of Indigenous Peoples is its framework and a standing agenda item at each meeting and the New Zealand Human Rights Commission attends that meeting each year.  The third of those mechanisms is vested in one person and that person is the Special Rapporteur on the Rights of Indigenous People and that person reports to the Human Rights Council and works of course cooperatively with the Permanent Forum and with the Expert Mechanism. It has a mandate, for example, to promote the Declaration, to promote good practices between indigenous peoples and states, to implement international standards concerning the rights of indigenous people. When invited by the state to come to that country and make country reports and the official Rapporteur addresses specific cases of violation of the rights of indigenous peoples so that’s where what we call EMRIP, where EMRIP sits in the UN system. |
| Sally | And you’ve just returned from the latest EMRIP forum in Geneva. |
| Karen | Yes I have, the eighth session and it was as usual, very intense, a huge workload and absolutely hugely significant issues being discussed, a lot of which arose out of last September’s World Conference on Indigenous Peoples. An outcome document arose from that which was a commitment by member states and indigenous people to a large number of very direct actions concerning the salient indigenous issues on the planet today. |
| Sally | And were they able to pinpoint what were those most salient issues? I mean there are lots but… |
| Karen | Oh yes, specific themes… What were the main themes? I don’t know if you know about the Millennium Development Goals that were implemented in 2000 and came to an end this year and so succeeding that is what has been called the post-2015 Sustainable Development Goals, the agenda for which is being developed right now. The concern around that for indigenous peoples is that we must have the indigenous voice represented on that agenda. There is a draft agenda document already published and it’s not evident that the indigenous voice is being heard. And we’re looking back to the outcome document, seeing the commitment of member states and the Millennium Goals didn’t have the indigenous voice in it at all, it’s inherently there but not specifically there. And so getting the IP voice there in the Development Goals, for example ending poverty and hunger, education, health, basic services for all, gender equality. We need to have our voices specifically mentioned there. The pledge is to leave no-one behind but the experience is that if indigenous issues are not specifically committed to it then nothing happens. |
| Sally | It’s a shame that you’re saying that the post-2015 agenda is not particularly taking indigenous voices into account. |
| Karen | Currently there are only two specific mentions. |
| Sally | If you want to put a little bit of a positive onto it maybe there at least there are two mentions, it’s a step up from 2000. |
| Karen | Yes but we want to influence so that there are more than two mentions. One of the other items discussed arises from the fact that 148, I think, member states have declared their support for the Declaration; the problem that has arisen is what’s known as the implementation gap. It’s one thing to announce your support for the Declaration; it’s another thing to actually do something about it. And there’s been a huge amount of discussion on how EMRIP could perhaps influence that process of implementation by strengthening its mandate. So that was an important thread on the agenda.  Improving the access of indigenous people represented more widely across the UN system was discussed and that includes indigenous parliaments. And the thematic study this year is on the promotion and protection of the rights of indigenous peoples with respect to our cultural heritage and also an increasingly important topic being discussed in indigenous people’s rights in relation to human rights in business and particularly around extractive industries because indigenous peoples are at the forefront of the impact of extractive transnational corporations in terms of mining their lands and territories, extrajudicial violation of human rights, poisoning of their waters, cutting down of the forests... You’re familiar I am sure with those impacts. And so indigenous people’s rights in relation to human rights in business is a really, really important piece of work. |
| Sally | It sounds like we could pick up on some of these topics that were being discussed at EMRIP this year, we’re just going to take a quick break though and you’ve opted to have ‘Mā te kahukura ka rere te manu’ played. What was the decision behind this song? |
| Karen | A really personal one, I love the song, I love the waiata, I love the words which are about flying to the top of the tree and flying with love and the support of those people coming behind me or behind whoever it is that is doing the flying, a beautiful tune. |
|  | MUSIC – ‘**MĀ TE KAHUKURA KA RERE TE MANU’** |
| Sally | Kia ora and welcome back to “Speak Up” – “Korerotia” on Plains FM 96.9. We’re speaking with Karen Johansen, Commissioner at the Human Rights Commission on indigenous affairs and her recent trip to the Expert Mechanism for the Rights of Indigenous People. Now Karen, you were talking about all the different themes that were brought up at EMRIP this year and we were speaking about business and human rights, about cultural heritage, all sorts of really fascinating and important topics. How do these topics and the themes that are being talked about, how does that then translate from the lofty halls of the United Nations into the little land of New Zealand down to the bottom of the world here? |
| Karen | Well all of the conventions and treaties which New Zealand has signed up to - for example, there are lots of them but for example the International Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women (known as CEDAW), the Convention on the Rights of the Child, for example - apply to every single New Zealander. But the United Nations Declaration for the Rights of Indigenous People protects collective rights that may not be addressed in other human rights charters that emphasise individual rights. And the Declaration also of course safeguards the individual rights of indigenous peoples. So we signed up, our state of New Zealand has signed up to these conventions and we have a responsibility and an obligation to implement them. So the treaties and conventions have the status of international law; a declaration does not have the status of international law and we often hear that because of that, the United Nations Declaration for the Rights of Indigenous People is aspirational but not legally binding. However declarations - how can I put this? - do represent the commitment of states to move in a certain direction and to abide by certain principles. And this declaration is widely viewed - it’s not creating new rights, there’s nothing special about it in the sense that Māori in New Zealand have special rights that other people don’t have - it is a focus, a detailing or an interpretation of the rights enshrined in other human rights instruments as they apply to indigenous peoples and indigenous individuals. This is a very long explanation and I hope you understand what I’m saying. But in this sense the declaration has a binding effect for the promotion and fulfilment of and respect for the rights of indigenous peoples everywhere with a focus on collective rights. So the rights for everybody are enshrined in all the treaties and conventions but the declaration focuses on indigenous people and those collective rights that are not attended to necessarily by the other treaties and conventions. |
| Sally | You were talking about how one of the problems you saw, though, might be this Declaration and different countries might choose to implement that differently or to different degrees. |
| Karen | Yes, or not implement them at all. |
| Sally | Exactly. What’s happening in New Zealand to keep an eye on the implementation of the Declaration? |
| Karen | We do report: every four years every member state of the United Nations, including New Zealand, has its human rights record behaviour examined by its peers. And last year New Zealand was reviewed and the Declaration is included in that, not as much as we would like but 33 recommendations came down that were specifically relevant to Māori.  One of the great excitements of this eighth session of the Expert Mechanism - that I’ve just returned from, as you mentioned - was to be standing alongside a group of Māori leaders who with the mandate of the Iwi Chairs Forum have or are developing the implementation of the UN Declaration for the Rights of Indigenous People Independent Monitoring Mechanism, which means this group intends to monitor the degree to which the New Zealand Government is implementing the declaration. Now I think there’s only one other country in the world that’s doing something like that. It caused a huge stir at the Expert Mechanism, a great deal of interest in what is being done and I was really proud to be standing alongside that while the report was being read. We have been working with this group, with the Iwi Chairs and we do provide some support for that, just exchanges of information, meetings about that because it makes sense because we’re filling the same sort of space, we have the same interests.  So that’s a new example of how the Declaration is being focused on. More and more iwi organisations are using the Declaration as a reference because the Declaration sets out standards, minimum standards of behaviour. They’re using the Declaration as a reference in let’s say the Treaty settlement situation. Waitangi Tribunal uses it as a reference and the role of the Human Rights Commission also is to increase awareness and raise understanding - not just amongst public but also more widely particularly in government circles - of the role of the Declaration and its usefulness in many ways as a tool to unpack the meaning of the Treaty of Waitangi in this 21st century. |
| Sally | That’s bringing me to another question that I’d like to briefly have a chat about is the idea of the Treaty of Waitangi and the New Zealand constitutional conversation, and what part might indigenous rights play in the constitutional conversation? |
| Karen | Yes well the constitution review, the Human Rights Commission made a contribution to. We believe that the Treaty of Waitangi should have a prominent place in our constitutional arrangements, a more secure place in our constitutional arrangements. I know that there is another report being developed by the Māori Constitutional Framework Transformation Group led by Moana Jackson. We don’t know whether the government has not commented yet but certainly it’s of great interest to the Commission. And the Treaty we believe is the founding document of our nation and ought to take centre stage. It’s a contract of two peoples we like to say, using Manu Bennett’s words, of two people promising to be kind to one another. |
| Sally | That’s lovely isn’t it, lovely wording. |
| Karen | It is a lovely way of expressing it. The Treaty is not a Māori Treaty; it is a Treaty for every New Zealander, Māori, Pākehā, new migrants, everybody... And that’s not well understood, I don’t think. |
| Sally | I think you’re right. I think that’s definitely a conversation that needs to be spread wider. |
| Karen | Yes you’re right. |
| Sally | Now Karen, that seems like a nice positive way to finish up our conversation. I’d like to say thank you so much for taking the time to speak with me today. |
| Karen | It’s a great pleasure Sally, thank you very much for your interest. |
| Sally | Kia ora. |
| Karen | Kia ora. |
| Sally | And I’ve got a couple of notices before we finish up. Cook Islands Language Week is coming up between the 3rd and 9th of August, and Tonga Language Week is the 30th of August until 5th September, so keep an eye out for that, there’s usually fun things taking place.  Tune in again for the third Wednesday of the month, 16th of September or the following Sunday the 20th of August when we’ll be talking about language and the right to access information. Kia ora. |