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(Key, J., 2010)

John Key

20 APRIL, 2010

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National Govt to support UN rights declaration

Prime Minister John Key announced today the New Zealand Government has given its support to the United Nations Declaration on the Rights of Indigenous Peoples.

The decision to support the declaration was conveyed in a speech today by the Minister of Maori Affairs, Dr Pita Sharples, to the United Nations in New York.

"New Zealand has always supported the overall aspirations of the declaration, and we already implement most provisions contained within it," says Mr Key.

The statement in support of the declaration:

- acknowledges that Maori hold a special status as tangata whenua, the indigenous people of New Zealand and have an interest in all policy and legislative matters;
- affirms New Zealand's commitment to the common objectives of the declaration and the Treaty of Waitangi; and
- reaffirms the legal and constitutional frameworks that underpin New Zealand's legal system, noting that those existing frameworks define the bounds of New Zealand's engagement with the declaration.

"As a Government, we can be proud of the fact that we have worked through any difficulties supporting the declaration have presented," says Mr Key.

"While the declaration is non-binding, it both affirms accepted rights and establishes future aspirations. My objective is to build better relationships between Maori and the Crown, and I believe that supporting the declaration is a small but significant step in that direction.

"This move will not compromise the fundamentals of this Government's approach to resolving Treaty claims, and its work with Maori and all New Zealanders on the many challenges we face," says Mr Key.

Questions and Answers

What is the significance of a United Nations declaration?

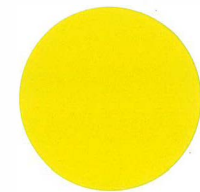
A Declaration is a statement by the UN General Assembly about matters it considers to be significant. A Declaration is an expression of aspiration. Unlike a treaty or covenant, a Declaration is not legally binding.

States do not sign up to or ratify a Declaration of the UN General Assembly. Once a Declaration has been adopted, that is it in the formal sense. States who subsequently wish to indicate their support for a Declaration may do so, for example, by way of a statement. The Government has decided to take such an approach in the present case.

What is the nature of the New Zealand support for the Declaration?

In sum, the statement:

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- acknowledges that Māori hold a special status as tangata whenua, the indigenous people of New Zealand and have an interest in all policy and legislative matters;
- affirms New Zealand's commitment to the common objectives of the Declaration and the Treaty of Waitangi; and
- reaffirms the legal and constitutional frameworks that underpin New Zealand's legal system, noting that those existing frameworks define the bounds of New Zealand's engagement with the Declaration.

New Zealand has put considerable effort into developing processes that recognise the special status of Māori as tangata whenua (indigenous people), resolving their grievances, and providing for their participation and involvement in governance matters. For example, the Waitangi Tribunal is the key body for considering and making recommendations in respect of grievances of Māori. We have wanted to ensure that our support for the Declaration respects the work carried out by successive governments in New Zealand, and indeed by Māori, in giving practical effect to the Treaty of Waitangi.

What are the implications for Māori of the New Zealand Government's support for the Declaration?

New Zealand's support for the Declaration is an important step forward in supporting the rights of indigenous peoples around the world. At the very beginning of the negotiations of the Declaration there was widespread support amongst Māori for the Declaration. It reaffirms the existing rights held by Māori as tangata whenua (indigenous people) and impresses upon us all that the partnership between Māori and the government continues to evolve.

The previous Government elected not to support the Declaration, even in qualified terms, so why is the Government supporting the Declaration now?

Successive Governments have considered certain elements of the Declaration, particularly principles advocating prior and informed consent of indigenous peoples in decision-making and full reparation or restitution for wrongfully taken land and resources, to be inconsistent with New Zealand's domestic arrangements and democratic processes.

This Government has reviewed New Zealand's position on the Declaration. The statement of support acknowledges these areas are difficult and challenging but notes the aspirational spirit of the Declaration and affirms to continually progress these, alongside Māori, within the current legal and constitutional frameworks of New Zealand.

Many of the rights in the Declaration have been enjoyed in New Zealand for years. For example the Declaration includes rights of indigenous peoples to:

- full enjoyment of all human rights and fundamental freedoms without discrimination (Articles 1 and 2);
- live in freedom, peace and security as distinct peoples (Article 7);
- practise and revitalise their cultural traditions and customs (Article 11);
- practise and teach their spiritual and religious traditions (Article 12);
- participate in decisions in matters that affect their rights (Article 18);
- improvement of economic and social conditions without discrimination (Article 21).

Does support for the Declaration change the Treaty settlements process?

The Treaty settlements process and the goal of settling all Treaty claims by 2014, remain in place.

Will Māori get a veto right on government decisions?

The Treaty of Waitangi continues to be the basis for the Crown-Māori relationship. In some instances this does involve mutual agreement on proposals, notably Treaty claim settlements, but right of veto is not conferred.

What does support mean for the review of the Foreshore and Seabed Act?

The Government has released a public consultation document setting out options for a possible replacement of the Foreshore and Seabed Act 2004. The Government will consider submissions and reach a final view once the consultation process has been reported on. Support for the Declaration has no direct bearing on the review.



John Key Prime Minister