

**Petition to Parliament: UN Declaration on the Rights of Indigenous Peoples**  
**Claire Charters' speech notes**

**10 December 2008**

Maori have been involved in the international indigenous rights movement since the 1920s. Ratana was one of the first indigenous persons to petition an international body for greater protection of Maori rights when he went to the League of Nations in the 1920s.

Equally, Maori have played a pivotal role in the Declaration on the Rights of Indigenous Peoples, with Moana Jackson, for example, leading the international indigenous caucus in the late 80s and 90s.

Having been involved in negotiations on the Declaration for more than 10 years, I cannot emphasise enough the degree to which this petition would be supported by the thousands of indigenous peoples (representing millions of indigenous peoples) who have been involved in its development. Indeed, indigenous peoples the world over have a very poor view of New Zealand in the light of its failure to support the Declaration. It is time for that perception to be addressed.

It is also appropriate to point out that New Zealand risks being the only state to oppose the Declaration on the Rights of Indigenous Peoples. Of the 4 states that opposed the Declaration in the UN's General Assembly – from 143 in favour and 11 abstentions:

- Canada: the Canadian Parliament has called on the Executive to implement the Declaration, and with a change of government possible in the near future, there is likely to be a change in policy there.
- Australia: has indicated support.
- US: Barack Obama has become a member of the Cherokee Nations.

New Zealand has nothing to be scared of in supporting the Declaration on the Rights of Indigenous Peoples. For example, Canada and the United States have had official policies of recognition of Indigenous self-determination for decades now, and the state has not collapsed. Instead American Indians enjoy legal recognition of their inherent sovereignty within the US borders, and the Canadians are negotiating creative regimes to give effect to First Nations' autonomy and jurisdiction. Further, treaties with indigenous peoples have constitutional force in those places.

New Zealand has expressed a concern about third party rights in relation to the Declaration, but there is no foundation for this. The Declaration explicitly refers to protection of the rights of others.

In fact, the Declaration, as a non-binding international instrument, will not lead to the destruction of the New Zealand state. The converse is closer to the truth: the one thing that excites secessionist and revolutionary sentiment is the denial of one's rights.

Further, New Zealand needs to look closely at its legal analysis of the Declaration. It is dubious from a formalistic legal perspective, seemingly driven by an unsubstantiated political fear that the Declaration will create division. Again, it is ironic that it is those who speak of division create it by using such inflammatory language. The Declaration, instead, provides a blueprint for peaceful coexistence and supports our founding constitutional document the Treaty of Waitangi.

Finally, if New Zealand is to remedy its hypocrisy in expressing support for human rights on the one hand but denying indigenous peoples' rights on the other, it would be well advised to express its support for the Declaration on the Rights of Indigenous Peoples.