

# Wakaminenga Hauora & The UN Declaration on the Rights of Indigenous Peoples

Maori are the indigenous peoples of Aotearoa. As Tangata whenua, Maori have ancestral rights and mana over the land. Mana whenua is our customary authority to our lands and as kaitiaki we must protect the mauri of our taonga tuku iho and the ancestral lands of our people.

In 2010, New Zealand Endorsed the United Nations Declaration on the Rights of Indigenous Peoples. The Kaitiakitanga of Wakaminenga Hauora recognise and acknowledge these rights and as indigenous peoples of Aotearoa we uphold the rights of our people as outlined in the contents of the UNDRIP. The following articles from the UNDRIP, stipulate our rights and have been written as our interpretation of it.

**Article 3** – Our Hapu and whanau have the right to self-determination. In doing so we freely determine our political status and freely pursue our economic, social and cultural development.

**Article 4** - In exercising these rights to self-determination, we have the right to autonomy and self-governance in all matters relating to our affairs, as well as ways and means for financing our autonomous functions.

United Nations  
**DECLARATION**  
on the **RIGHTS**  
of **INDIGENOUS**  
**PEOPLES**

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**Article 5** – Our Hapu, whanau and people, have the right to maintain and strengthen our distinct political, legal, economic, social and cultural institutions, while retaining our right to participate fully, if we so choose, in the political, economic, social and cultural life of the State.

**Article 7(2)** – Our Hapu, whanau and people have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children from our people.

**Article 8** -

1. Maori people, Hapu and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - (d) Any form of forced assimilation or integration;
  - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them

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**Article 9** – Hapu, whanau and individuals, have the right to belong to an indigenous community (Hapu) or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right

**Article 11** - 1. Hapu and whanau have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs

**Article 18** – Hapu and whanau have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

**Article 19** - States shall consult and cooperate in good faith with the Hapu and whanau concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them

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**Article 23** – Hapu and whanau have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions

**Article 24** - 1. Hapu and whanau have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Hapu and whanau have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

**Article 25** – Hapu and whanau have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

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- Article 26** -
1. Hapu and whanau have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  2. Hapu and whanau have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
  3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

**Article 27** - States shall establish and implement, in conjunction with Hapu and whanau concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process

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**Article 29** – 1. Hapu and whanau have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Hapu and whanau, without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of Hapu and whanau, as developed and implemented by the peoples affected by such materials, are duly implemented.

**Article 31** - 1. Hapu and whanau have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports

2. In conjunction with Hapu and whanau, States shall take effective measures to recognize and protect the exercise of these rights.

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- Article 32** -
1. Hapu and whanau have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
  2. States shall consult and cooperate in good faith with Hapu and whanau concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
  3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact

- Article 33** -
1. Hapu and whanau have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
  2. Hapu and whanau have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures

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**Article 34** – Hapu and whanau have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

**Article 37** –

1. Hapu and whanau have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of Hapu and whanau, contained in treaties, agreements and other constructive arrangement.

**Article 39** – Hapu and whanau have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

**Article 40** – Hapu and whanau have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights. (This gives us the right to establish and run our Paa Kooti and restorative justice processes)