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It is very hard for us to comprehend the magnitude of a tragedy that takes out in one fell swoop, as it were, virtually the entire infrastructure of a nation. The looks of grief that my colleague referred to and the shock and horror on the faces of the people of Warsaw and other cities as they have come to grips with that bring home, I think, the enormity of what has happened, the high regard in which the president was held by his people, and, in many senses, the historic suffering of the people of Poland. In this country we have our own history, with the Pahiatua children the Prime Minister referred to.

Poland in many senses has always been at the forefront of international suffering; the irony of the massacre being that it took place on the day on which this tragedy occurred. The president played an important part in Poland's liberation from communism in the early 1980s. All these things add up to an image of a country that was starting to flourish as a centre of culture and democracy, and a real haven for its people in a way that perhaps had not been the case for a long period of time. So the tragedy is a doubly serious one for the people. I simply want to put on record my condolences and my sympathy with the people of Poland, the Polish community in New Zealand, and all those who have been affected by this tragedy.

Mr SPEAKER: Before I put the question, I must apologise to members that their ability to speak in the House has been compromised by the sound system playing up. I apologise to members. I take it very seriously when a member's ability to speak is affected.

- Motion agreed to.

Ministerial Statements

UN Declaration on the Rights of Indigenous Peoples—Government Support

Hon SIMON POWER (Minister of Justice) : I wish to make a ministerial statement under Standing Order 347 relating to New Zealand's endorsement of the Declaration on the Rights of Indigenous Peoples. I seek leave for members to be allowed a slight and reasonable extension on their contributions beyond the 5 minutes envisaged in the Standing Orders if so required.

Mr SPEAKER: Is there any objection to that course being followed? There is no objection.

Hon SIMON POWER: This morning, at 4.45 New Zealand time, 12.45 p.m. New York time, the Minister of Māori Affairs, the Hon Dr Pita Sharples, appeared before the United Nations Permanent Forum on Indigenous Issues and announced New Zealand's support for the Declaration on the Rights of Indigenous Peoples as follows.

"Hei te tini, hei te mano, e rau rangatira mā, tēnā koutou, tēnā koutou, tēnā koutou katoa."

[To the very many, the indefinitely large number, and to the leaders of a hundredfold, greetings, greetings, and greetings to you all.]

“In September 2007, at the United Nations, 143 countries voted in favour of the Declaration on the Rights of Indigenous Peoples. New Zealand was one of four countries that voted against the Declaration.

Today, New Zealand changes its position: we are pleased to express our support for the Declaration.

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.

Māori hold a distinct and special status as the indigenous people, or tangata whenua, of New Zealand. Indigenous rights and indigenous culture are of profound importance to New Zealand and fundamental to our identity as a nation. A unique feature of our constitutional arrangements is the Treaty of Waitangi, signed by representatives of the Crown and Māori in 1840. It is a founding document of New Zealand and marks the beginning of our rich cultural heritage. The Treaty establishes a foundation of partnership, mutual respect, co-operation, and good faith between Māori and the Crown. It holds great importance in our laws, constitutional arrangements and the work of successive governments.

The Declaration contains principles that are consistent with the duties and principles inherent in the Treaty, such as operating in the spirit of partnership and mutual respect. We affirm this objective, and affirm the Government’s commitment to build and maintain constructive relationships with Māori to achieve better results for Māori, which will benefit New Zealand as a whole.

The Declaration is an historic achievement: the result of many years of discussions—22 years in fact—and of hard work and perseverance by many people. I acknowledge the long involvement of Māori in the elaboration of the Declaration and the extent of their investment in its development.

The Declaration acknowledges the distinctive and important status of indigenous peoples, their common historical experiences and the universal spirit that underpins its text. The Declaration is an affirmation of accepted international human rights and also expresses new, and non-binding, aspirations.

In moving to support the Declaration, New Zealand both affirms those rights and reaffirms the legal and constitutional frameworks that underpin New Zealand’s legal system. Those existing frameworks, while they will continue to evolve in accordance with New Zealand’s domestic circumstances, define the bounds of New Zealand’s engagement with the aspirational elements of the Declaration.

In particular, where the Declaration sets out aspirations for rights to and restitution of traditionally held land and resources, New Zealand has, through its well-established processes for resolving Treaty claims, developed its own distinct approach.

That approach respects the important relationship that Māori, as tangata whenua, have with their lands and resources both currently and historically, and the complementary principles of rangatiratanga and kaitiakitanga that underpin that relationship. It also maintains, and will continue to maintain, the existing legal regimes for the ownership and management of land and natural resources.

New Zealand acknowledges and understands the historic injustices suffered by Māori in relation to their land and resources and is committed to addressing these through the established Treaty settlement process. Many Māori groups have already benefited from the transfer of considerable land, forest and fishery assets through negotiated Treaty settlements; many more are in the process of negotiations with the Government towards settling their claims. These settlements contribute to the re-establishment of an economic base as a platform for future development. Redress offered in Treaty settlements is, however, constrained by the need to be fair to everyone and by what the country as a whole can afford to pay.

Further, where the Declaration sets out principles for indigenous involvement in decision-making, New Zealand has developed, and will continue to rely upon its own distinct processes and institutions that afford opportunities to Māori for such involvement. These range from broad guarantees of participation and consultation to particular instances in which a requirement of consent is appropriate.

In those processes and institutions, we acknowledge that our ongoing national dialogue is grounded in the Treaty of Waitangi. We further recognise that Māori have an interest in all policy and legislative matters and acknowledge the determination of Māori that custom, worldviews and cultural heritage should be reflected in the laws and policies of New Zealand. Māori have been, and continue to be, active in developing innovative responses to issues with a strong indigenous perspective and engaging with successive governments on possible paths forward.

We will continue that conversation within the relationship that the Treaty and New Zealand's constitution as a whole afford. Further, we will continue to work in international fora to promote the human rights of indigenous peoples. New Zealand acknowledges the ongoing process of dialogue and debate over the meanings that may be given to the aspirations put forward by the Declaration.

New Zealand's support for the Declaration represents an opportunity to acknowledge and restate the special cultural and historical position of Māori as the original inhabitants—the tangata whenua—of New Zealand. It reflects our continuing endeavours to work together to find solutions and underlines the importance of the relationship between Māori and the Crown under the Treaty of Waitangi. Its affirmation of longstanding rights supports and safeguards that ongoing relationship and its proclamation of new aspirations give us all encouragement and inspiration for the future. Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.”

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Mr SPEAKER: Before I call the next member I will give members guidance as to how I intend to interpret the leave granted by the House. The Government Minister took 2 minutes more than the norm in making his address to the House; I propose that the parties that would normally have 5 minutes to speak have up to 7 minutes should they choose to use it, and that the parties that would normally have 2 minutes to speak have up to 3 minutes, should they choose to use it.

Hon NANAIA MAHUTA (Labour—Hauraki-Waikato): E ngā mana, e ngā reo, e ngā kārangatanga maha, tēnā koutou. Ngā mema o tēnei Whare, tēnei te mihi atu ki a koutou. On behalf of the Labour Party I rise to speak to the decision of the National-led Government to ratify the Declaration on the Rights of Indigenous Peoples and to recognise the symbolism of this gesture amongst indigenous peoples—in particular, the tangata whenua here in Aotearoa New Zealand. History has shown that Māori as tangata whenua have continued to assert and uphold their identity, rights, and interests against a varied historical background. Much of that determination has been against a backdrop of conflict, sheer grit, misunderstanding, and tenacity. With the passage of time and with political effort—and engagement with hapū, iwi, and Māori—New Zealand has evolved as a nation and has a record that is second to none in the forum of indigenous rights. Yes, indeed, the Treaty of Waitangi is the founding document of our nation.

The fourth Labour Government established the Waitangi Tribunal with the specific intention of ensuring that a domestic process for resolving historical grievances could commence. The Treaty settlement process emanated from that first step, and we continue to support the process of direct negotiation as a means of rectifying past wrongs and moving forward together. It was with regret that in 2007 the Labour Government was unable to sign the declaration. We believed that it deserved to receive more than a lip-service approach. In particular, there were inconsistencies between the text and New Zealand's constitutional and legal framework that would be difficult to overturn while retaining the fabric of what our society is working towards. We believed then, as we do now, that upon signing such a declaration, there has to be a genuine attempt to implement the articles that build the spirit, rights, and interests of indigenous peoples. Many of the 143 countries that originally signed the declaration had no intention of implementing it. In Labour we are proud to say what we mean and to do what we say.

This document is not a time for window dressing, empty promises, or hollow gains. If the National Government is serious about this declaration and about realising its aspirations, then why has it been signed under a veil of secrecy? More important—[*Interruption*]

Mr SPEAKER: The member must be heard.

Hon NANAIA MAHUTA: More important, why have New Zealanders been prevented from participating in a debate on an issue that has a profound impact on the future that we see for this country? Why is the Prime Minister not making this announcement in the House? The Government has taken care to recognise that this document is aspirational and non-binding, an approach that should weigh heavily on the efforts of those people who wanted the declaration to be a

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strong platform for the continued assertion of indigenous rights.

Labour continues to hold reservations about articles in the declaration that appear to be inconsistent with domestic solutions that recognise New Zealand's unique history and legal and constitutional—

Mr SPEAKER: I apologise for interrupting the honourable member. When members interject in response to something that a member is saying, I have no problem with that. But when interjections are being carried out across the back of the House that have nothing to do with what the member is saying, that is totally unacceptable. I ask members on both sides of the House to desist from that.

Hon NANAIA MAHUTA: We continue to hold reservations about articles that appear to be inconsistent with domestic solutions that recognise New Zealand's unique history and legal and constitutional structures. Those are articles 19 and 32, which imply a power of veto over the State. In addition to this, the Government has given no indication as to whether it has reconsidered the nature of property rights, as implied by articles 26 and 28.

We put these matters on the table simply to draw the attention of the House to the aspects that have, in broad forms, robust debate in our communities, and for which the Government should be accountable. At least one Government MP is promoting tupuna title; it may be a closer reality now that the declaration has been signed. The Government should be upfront and respond on that matter, so that everyone can see the kind of aspirational, non-binding symbolism that has been recognised today. In recognising this and other matters concerning the declaration, Labour will continue to advocate in a real and meaningful way for the rights and interests of tangata whenua, today and tomorrow. Māori know too well that our most durable solutions can be achieved at a domestic level, here in Aotearoa New Zealand. Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

METIRIA TUREI (Co-Leader—Green) : The Green Party is committed to a society that is prosperous, sustainable, and equitable, that treats all people in our community fairly, and that is premised on the recognition of Te Tiriti o Waitangi and the rights of Māori as tangata whenua in Aotearoa. And so we welcome the announcement that Aotearoa New Zealand is finally recognising the United Nations Declaration on the Rights of Indigenous Peoples. It has been Green Party policy for many years, and we are very pleased that it is at last happening. We consider the declaration to be the minimum international standard for the protection of indigenous communities around the globe, and their right, their entitlement, to self-determination. The concept of self-determination is protected in the UN charter for people; indigenous communities are people, too.

This battle has been going on for 20-odd years, and I acknowledge and pay respect to the Māori Party—to Tariana Turia, to Pita Sharples, and their team—which has managed to pressure a National Government into recognising the agreement. Kia ora! The declaration recognises—

Hon Tau Henare: No pressure!

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METIRIA TUREI: No pressure!

Hon Tau Henare: We just did the right thing.

METIRIA TUREI: Yup! The declaration recognises and helps to protect the rights of Māori, and it is great to see that progress is being made. The struggle to have the declaration recognised has been going on for a very long time, and I pay tribute to all of those others in the Māori community who have fought long and hard and have been very active on this issue—to name a few, Moana Jackson, Aroha Mead, and Ngāneko Minhinnick. Others, too, whom Tariana Turia has referred to today, fought hard for this declaration to be recognised, but they have died in the intervening years. We pay our respects to all of them and to their whānau for their commitment to the declaration.

It is an achievement particularly worthy of celebration because, of course, John Key's Government has been very hostile to the development of iwi and hapū rights since—*[Interruption]* They do not like it, do they. We need only consider John Key's opposition to Māori having seats on the Auckland super-city council, for example. It is all right to recognise a UN declaration, but it is not OK to give Māori decision-making capacity on the council of our biggest city in this country! I think the National Government has agreed to recognise the declaration only because it continues to assert that, here at home, iwi and hapū interests must remain subservient to those of the Government. We heard that from Murray McCully on the radio this morning. The whole idea of placing restrictions or caveats on the declaration is certainly the wrong message to be sending on what should be a day of celebration. The declaration was already watered down to meet the needs of States, and it does not need to be watered down any further by a National Government hostile to Māori interests.

One of the main objections to recognising the declaration, particularly from the previous Labour Government in the last few years, has been the desire to amend it to make it consistent with New Zealand's domestic law, and we have heard that again today. Of course, one of the problems with this is that iwi and hapū rights under Te Tiriti o Waitangi do not have constitutional protection in New Zealand law, which is unlike the position of some other indigenous communities, who do have that protection in their own States. We can see the result of the lack of that protection in our domestic law in Labour's foreshore and seabed legislation, which took away Māori rights, and, secondly, in National's foreshore proposal, which simply mimics what Labour did—it makes no changes.

But none the less we acknowledge that the struggle for recognition of Māori rights continues, despite which party might be in Government. Today is a good day for Māori and for all New Zealanders. Our status as one of only three countries in the world not to sign the declaration was an ongoing source of shame for us in the international community and, of course, here at home. We have an obligation to act as responsible global citizens. New Zealand's failure to support the declaration left many millions of indigenous people around the world without a framework for the protection of their basic human rights—their human rights as

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indigenous peoples, their human rights as indigenous collectives. New Zealand has made a small step—a small step—but none the less a step, towards supporting and protecting those vulnerable communities around the globe. This declaration gives our country another tool to work through the issues of colonisation and to help create a fair society based on Te Tiriti o Waitangi. I congratulate the Māori Party on its success. Kia ora.

Hon RODNEY HIDE (Leader—ACT) : Mr Speaker—*[Interruption]* I wonder whether I can move to another seat. I am in your hands, Mr Speaker, as to where I can speak from.

Mr SPEAKER: I ask members to be reasonable. There is a difficulty with the microphones in that quarter of the House. The member can speak from any seat at all, and I ask members to be reasonable about that. If the member relocates to a seat that is reasonably convenient, let us see whether we can get the sound system working properly.

Hon RODNEY HIDE: The ACT Party is both shocked and appalled to find itself supporting a Government that has covertly given recognition to the United Nations Declaration on the Rights of Indigenous Peoples. The declaration asserts that Māori have rights and privileges not enjoyed by other New Zealanders. The declaration is the very antithesis of ACT's policy of one law for all New Zealanders. It is the antithesis of the policy that we should have one law regardless of people's religion, their race, the colour of their skin, their ethnicity, their culture, or indeed their degree of indigeneity. The declaration is divisive and is a further step for New Zealand down the path towards being a divided nation. The declaration clearly splits New Zealand into two rather than bringing New Zealand together as one.

The UN declaration sets us up to enable foreigners from the UN to come to New Zealand to pontificate and to criticise New Zealand's race relations, policies, laws, and processes. For these and for other reasons the former Prime Minister, Helen Clark, refused to ratify the declaration. At the time the Hon Parekura Horomia said that the declaration was incompatible with New Zealand's laws and democratic processes and that it ignored reality and would be difficult to implement. Helen Clark and Parekura Horomia were both right.

I am very disappointed that the Prime Minister, John Key, has covertly foisted the declaration on New Zealand, and I consider the statement that the recognition of this declaration has no practical effect to be naive in the extreme. I am very disappointed that the Prime Minister has failed to honour our no-surprises policy, set out in the ACT-National confidence and supply agreement.

Mr SPEAKER: The honourable member has had the additional time that I—*[Interruption]* It may have escaped honourable members' attention but I am on my feet. I gave members a fair indication of how I intended to interpret the leave granted by the House. The member has had just over the extra minute of time to make his statement in response to the ministerial statement.

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Hon DARREN HUGHES (Senior Whip—Labour) : I raise a point of order, Mr Speaker. There are two points I would like to raise with you. Firstly, I would like an assurance that Mr Hide's time was not truncated by his musical chairs arrangement.

Mr SPEAKER: I can assure the honourable member that I allowed extra time for that.

Hon DARREN HUGHES: There was a lot of interjection on the member, as he was not speaking from his normal seat in the House. I seek leave for an additional 2 minutes to be given to Mr Hide to make his contribution.

Mr SPEAKER: Leave is sought for an additional 2 minutes to be granted to the member. Is there any objection to that course of action? There is objection.

RAHUI KATENE (Māori Party—Te Tai Tonga) : This morning in our early dawn, over in New York more than 2,000 indigenous people rose to their feet to give a rousing ovation for the historic decision of New Zealand to support the United Nations Declaration on the Rights of Indigenous Peoples. Immediately the wires were hot, proclaiming that New Zealand backs indigenous rights. It is time now to celebrate, to consolidate, and to be proud to stand alongside some 143 other nations throughout the world that are prepared to back indigenous peoples.

Today is a historic day, on which we finally right the wrong that was done on 14 September 2007: the previous Labour Government's bizarre decision to oppose a declaration that, at its very essence, sets a minimum standard of human rights for indigenous peoples. Today is a day on which we mihi to those champions—the indigenous advocates, the Māori leaders, activists, and academics who have devoted so much of their time and resources to achieving the outlawing of discrimination against indigenous peoples. We think of all those who have passed on before experiencing this incredible moment: Erihāpeti Rehu-Murchie, Alec Kaihau, and Dame Mira Szaszy. We think of those of our people who have lived with the declaration for nigh on 22 years: Ngāneko Minhinnick, who was there at the very beginning; Aroha Mead; and Moana Jackson, who was the chair of the United Nations Permanent Forum on Indigenous Issues for 5 important years. We also recognise our own Hone Harawira, who has been such a passionate advocate within the larger movement. Many more people in our thoughts today can claim the success as theirs and can be proud that they have stood tall to support the rights of indigenous peoples to maintain and strengthen their institutions, cultures, and traditions. We join with people who have been sending emails all day, who are celebrating this day, and who are so happy about this day. We congratulate the Government on taking this important step.

This is a very important day for our Parliament. We are somewhat surprised, however, that an issue has been raised about how the declaration sits within domestic laws. This was a statement built into the text of the declaration when it was adopted in 2007 by way of article 46, so it is a non-issue. I also say that the previous Labour Government had its chance to water down the declaration, and it took every chance that it could to water it down. The only thing Labour regrets is that it was not able to water it down any further.

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This is a day for celebration, a day when Aotearoa is proud to move forward on the path of justice, dignity, and fundamental freedoms for all.

Hon JIM ANDERTON (Leader—Progressive) : We are told that there was a standing ovation for Pita Sharples' speech from members of the United Nations Permanent Forum on Indigenous Issues. I wonder whether the following countries stood up, and whether Pita Sharples noticed: Zimbabwe, Ethiopia, Fiji, Iran, Israel, Burma, Rwanda, and Somalia. We do not need in this country any lessons from countries like those on how to treat indigenous peoples. We need no lessons whatever. It is egregious for the Prime Minister and others to crawl to the likes of that forum with that membership and to tell us that things will change. Nothing will change. These are just idle words that mean nothing whatsoever. New Zealand has done more for the indigenous peoples of this country than all of those countries have done put together twice over. We did not need any lessons from the United Nations Permanent Forum on Indigenous Issues to do that. New Zealand is honoured around the world for the way in which it introduced Waitangi Tribunal resolutions, and the way in which we have settled grievances with the indigenous people of this country. For us to seek the solace of countries like those on that list, and many more, makes me ashamed of the Parliament of this country. It makes me ashamed that we would debate with some kind of glee the fact that we received a standing ovation at the UN from countries like those.

Let me say that New Zealand is already widely acknowledged as a world leader in recognising such rights and it has a longstanding process through the Waitangi Tribunal for putting that recognition into practical effect to the very real advantage of righting past injustices of the Māori indigenous people of this country. The UN Declaration on the Rights of Indigenous Peoples, on the other hand, is simply an expression of pious hopes without any necessary practical effect whatever. It has no practical effect; it is not binding. In fact, Mr Power, the Minister of Justice, told Parliament that the Government is considering the different meanings of the aspirational text. Well, which meaning did the Government sign up to? Did it not know? Has the Government read it? Does it know what it means? The answer to all those questions is no. It has nothing to do with it. It is to do with the deal between National and the Māori Party to get the Māori Party to run alongside the Government.

It is idle for the Māori Party to claim some kind of great triumph for getting the countries I mentioned earlier to stand up. The Māori Party should be ashamed of itself for thinking that this declaration is some kind of triumph. It is part of the agony that we have to watch and see this take place.

Hon PETER DUNNE (Leader—United Future) : There is an extraordinary irony in this debate on the rights of indigenous people. Over the years in this House, on many occasions we have had discussions about United Nation conventions, and the very people who today are standing up to decry this decision have in the past lauded agreements like the international convention that outlaws political discrimination, and the conventions on the rights of women, the rights of children, and the ending of racial discrimination. Those members said it was our responsibility as good international citizens to be part of those causes and part of the institution that New Zealand was proud to be in the vanguard of establishing: the United Nations. Now, today, when the rights of indigenous people are up for discussion, and when a number of basic democratic rights that all of us take for granted will be conferred on them, we start to see games being played.

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This decision does not impact upon New Zealand's domestic law in any way. It is an aspirational decision, in the same way that all of the other conventions to which I made reference also are. The point is that New Zealand puts its mark alongside those of other countries in saying we believe that the rights of indigenous people in this instance have some validity and ought to be recognised. It is interesting to note that as a result of today's decision, only the United States and one other country—Canada, I think, although I am not sure about that—have yet to sign the convention. If we are so out of step with other nations, as Mr Anderton said we are, why is it that today only the United States and Canada are yet to join the international community in recognising the rights of their indigenous people?

This country has a proud record of upholding, and of being part of, United Nation's decisions. This is one more step in that line of progress and should simply be viewed as such. I find it richly ironic that those who have for so long held up the UN as a vanguard and as a mantle now turn round when it comes to honouring the rights of our indigenous people to say this decision is irresponsible, dangerous, and unacceptable.

Personal Explanations

Canterbury Water Management—Minister of Agriculture's Involvement

Hon DAVID CARTER (Minister of Agriculture): I seek leave of the House under Standing Order 349 to make a personal explanation with regard to a number of claims made in this House about my involvement in Canterbury water issues.

Mr SPEAKER: Leave is sought for that purpose. Is there any objection? There is no objection.

Hon DAVID CARTER: On 31 March and 1 April certain incorrect claims were made in this House in relation to Canterbury water issues. This is the earliest opportunity I have had to address these allegations.

Firstly, it was claimed that I stood to benefit financially if the proposed Hurunui irrigation project went ahead. This claim is untrue. There is an existing historical consent to irrigate approximately 40 hectares of my 1,700-hectare Cat Hill property from the Hurunui River. This consent was transferred to me when I bought the property approximately 4 years ago. It has not changed since, and I have no intention of applying for more water in the future. If the Hurunui irrigation project proceeds it will have no impact on the existing historical consent. The Cat Hill property cannot be further irrigated. Therefore, I do not stand to benefit financially, as Russel Norman stated.