



Statement on the Universal Periodic Review Pre-Session on New Zealand, 13 February 2024

Wairarapa Moana ki Pouākani Incorporation (WMI) represent the descendants of the original owners of Wairarapa Moana – 4,000 Māori owners, and their whānau (families). Our people have genealogical links to the wider iwi (tribes) of Ngāti Kahungunu ki Wairarapa and Rangitāne o Wairarapa. WMI is led by the Committee of Management, who are elected by the Māori owners. We are a Māori Land Incorporation, with a large dairy farming and forestry enterprise at Mangakino in the South Waikato of Aotearoa New Zealand.

In preparing our submission on the 4th Universal Periodic Report on New Zealand we consulted with other key Māori organisations, the Human Rights Commission and received significant support from the New Zealand Māori Councilⁱ, Federation of Māori Authoritiesⁱⁱ, Pouākani Claims Trustⁱⁱⁱ, and the Rangitāne Tū Mai Rā Trust^{iv}.

Our case is about the New Zealand Government's breach of our human rights, rights as Indigenous Peoples, and the Treaty of Waitangi – the founding document of Aotearoa New Zealand.

This statement focuses on **two** themes: **Indigenous Peoples Rights and Justice**.

THEME 1: JUSTICE

The New Zealand Government took land under the Public Works Act in the 1940s. We had a right to seek the return of this land under New Zealand domestic law.

In 2017 WMI lodged an application with the Waitangi Tribunal seeking the return of some of the Pouākani lands taken from us. This application was made under section 8A of the Treaty of Waitangi Act 1975. The Waitangi Tribunal is an expert body set up to make recommendations on claims brought by Māori relating to Crown actions which breach the Treaty of Waitangi.

This right was confirmed by the New Zealand Supreme Court, who referred the matter back to the Waitangi Tribunal for a decision. The legislative provisions under which we sought the return of our lands is the only instance in New Zealand law in which the Waitangi Tribunal is able to make a determination which is binding on the New Zealand Government.

Rather than allow the legal proceedings to reach a conclusion, the New Zealand Government **violated our human right to have our claim heard and properly determined**. Forcing a settlement of our claim **without our free, informed, and prior consent**.

The New Zealand Government ignored the expert advice of the Waitangi Tribunal, that the mandate to settle the WMI Treaty of Waitangi claim, rested with the Incorporation, and not the wider tribe.

The New Zealand's actions were inconsistent with:

- a. Article 2(3) (a) of the International Covenant on Civil and Political Rights (ICCPR) which provides that state parties will ensure those whose rights are violated have an effective remedy.
- b. Article 14(1) of the ICCPR which provides that all persons shall be equal before the courts and tribunals, and that everyone shall be entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law.
- c. Article 26 of the ICCPR which provides that all persons are equal before the law and are entitled without any discrimination to equal protection of the law.

THEME 2: INDIGENOUS PEOPLES RIGHTS

The New Zealand Government breached WMI rights pertaining to our lands, territories, and resources in the United Nations Declaration on the Rights of Indigenous Peoples, particularly:

- a. **Article 25:** WMI right to maintain and strengthen our spiritual relationship with the land.
- b. **Article 26:** WMI right to legal recognition and protection of our interests in the land.
- c. **Article 27:** WMI access to a fair, independent, impartial, open, and transparent process for recognising and adjudicating our rights in relation to the land.
- d. **Article 28:** WMI right to redress through the return of land or fair, equitable compensation, and complete disregard for our clear indication that we did not give free, prior, and informed consent to settlement of our claim through the wider iwi (tribe) Treaty of Waitangi settlement process.

Today, Māori possess within their exclusive authority and control **only 5 percent** of the total land mass of Aotearoa New Zealand. WMI take their obligation to retain Māori land and to have those lands wrongfully taken from them returned very seriously.

RECOMMENDATIONS

Wairarapa Moana ki Pouākani Incorporation **recommends** that the New Zealand Government:

Commit to returning to WMI the lands which were the subject of our resumption application to the Waitangi Tribunal.

OR

Undertake to meet its obligations under Article 28(2) of the United Nations Declaration on the Rights of Indigenous Peoples to provide compensation that is 'equal in quality, size, and legal status or of monetary compensation or other appropriate redress.'

WMI hope that these recommendations will be adopted and implemented by the New Zealand Government, relationships restored, and allow WMI to come finally to reconciliation with the Crown.

ⁱ The New Zealand Māori Council advocate at the national and local level for policy development and community initiatives that contribute to Māori self-determination. There are 16 District Councils throughout Aotearoa New Zealand.

ⁱⁱ The Federation of Māori Authorities is made up of a Collective of Māori Trusts and organisations across Aotearoa New Zealand.

ⁱⁱⁱ The Pouākani Claims Trust was established in 2000 as a Charitable Trust to receive, manage and administer the proceeds of the Pouākani Treaty Claim Settlement.

^{iv} The Rangitāne Tū Mai Rā Trust is the post settlement governance entity for Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua.