

## UN DECLARATION – THE ARTICLES – edited by Anahera Herbert-Graves

<sup>1</sup> The [United Nations Declaration on the Rights of Indigenous Peoples](#) comprises 46 articles. In the course of the hui held by Matike Mai o Aotearoa between 2010 to 2015 a number of those articles were referred to, including the Preambular Statement –

*“Recognising the urgent need to respect and promote the ... rights of Indigenous Peoples which derive from their political, economic and social structures and from their cultures spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources ...”*

The particular articles people felt were most relevant were

*“Article 3 – Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

*Article 36 – Indigenous Peoples have the right to recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with the States of their successors and to have States honour and respect such treaties, agreements or other constructive arrangements.”*

For many participants the Article 3 definitions of self-determination were also apt descriptions of rangatiratanga. In their view it therefore had real relevance in the development of a tikanga and treaty-based constitution –

*“Really rangatiratanga is just us determining our own destiny which Article 3 talks about. I’m not fussed whether there are all sorts of legal arguments about whether the Crown will let the Declaration be used ... or even when self-determination really applies because I just see it as another statement about our rights, and in a way that’s what all the kōrero is about.”*

*“When our tūpuna went overseas in the early 19<sup>th</sup> century and came back with all sorts of new ideas about farming and roading and so on, they also came back with new political ideas about how Hapū might organise themselves to meet the new times they were in ... we’ve never been afraid of claiming international precedents and that’s all the Declaration is – another way of helping see our rights and our tino rangatiratanga at an international level as well as here at home.”*

*“The Declaration probably isn’t perfect, but like Te Tiriti it’s there for us to use ... and if we can use it like Te Tiriti by holding on to what it says about our rangatiratanga or self-determination and then trying to give voice to it, that will be of real value to this mahi.”*

Article 36 was considered particularly important because of the Crown’s ongoing use of Te Tiriti as a treaty of cession

*“That Article 36 is really interesting when it talks about enforcement, because the Crown thinks it’s enforcing Te Tiriti, but it only does that because it says we let them take our mana. That’s not enforcing Te Tiriti, it’s enforcing what the Crown wanted it to be.”*

More on this next week.



**“We’ve never been afraid of claiming international precedents and that’s all the United Nations Declaration on the Rights of Indigenous Peoples is – another way of helping see our rights and our tino rangatiratanga at an international level as well as here at home.”**

<sup>1</sup> Nineteenth edited extract from pp. 60 – 61 of [He Whakaaro Here Whakaumu Mō Aotearoa – The Report of Matike Mai o Aotearoa](#)