



NEW ZEALAND

71st Session of the Committee on the Elimination of all forms of Racial Discrimination

15th-17th periodic reports of New Zealand, 31 July 2007

Overview and update on developments since December 2005

Introduction

The attached report provides New Zealand's responses to the Questions put by the Rapporteur to the Committee on the Elimination of Racial Discrimination in connection with the consideration of the 15th to 17th Periodic Reports of New Zealand (CERD/C/NZL/17).

The New Zealand Government welcomes the opportunity to provide further and updated information to the Committee. Our delegation looks forward to a constructive dialogue on 31 July and 2 August 2007.

To assist the Committee further, this document provides an overview and update on developments in New Zealand relevant to the Convention since December 2005. Further information is included in the Human Rights Commission's report *Race Relations in 2006*, copies of which have been provided to the Committee.

Summary of Developments since December 2005

Changing nature of New Zealand society

It is important that the issues raised by the Committee are seen in the wider context of New Zealand as a rapidly changing democratic society in the South Pacific. As the Committee knows, New Zealand is a unitary parliamentary democracy with a single national government and legal system. It is a multicultural nation where a significant number of people value their combined Māori and non-Māori ancestry. The **2006 census results** show that ethnic diversity in New Zealand is increasing:

European:	2,609,592	(67.6%)
Māori:	565,329	(14%)
Asian:	354,552	(9.2%)
Pacific:	265,974	(6.6%)

A further 11.1% described themselves simply as “New Zealander”, the first time that category has been recorded. The fastest growing group over the past five years was people who identified as Asian (which increased by almost 50%), followed by those who identified as Pacific (which grew by 14.7%) and those who identified as Māori (which grew by 7.4%).

Response to the New Zealand Action Plan on Human Rights

The development of the New Zealand Action Plan for Human Rights by the Human Rights Commission involved a significant investment by the government, not just in funding for the Commission, but also in the many discussions between the Commission and government departments. This process in itself significantly increased awareness of human rights issues across government.

There has been progress in many areas in respect of the priorities for action identified by the Commission. The Race Relations Commissioner has provided a helpful independent analysis of progress against the Plan in the area of Race Relations, which has been provided to the Committee as an Appendix to New Zealand’s responses to the Committee’s questions.

Settlement of historical grievances relating to the Treaty of Waitangi

There has been a growing momentum to bring historical grievances to a resolution. The pace of settlements has increased since the 1990s, when one settlement was reached only every one or two years. Since November 1999 there have been 10 deeds of settlement reached. Three settlement bills were passed by Parliament in 2005, while two bills were passed in 2006. Currently, the government is working with over 20 claimant groups on a large number of claims.

The Treaty settlement process is complex and challenging. It is understandable that claimant groups use the opportunities they have to test aspects of the settlement process. The government remains committed to working constructively with all interested claimant groups, and will consider carefully the findings and recommendations of the Waitangi Tribunal in relation to matters such as the overlapping interests of different claimant groups.

The setting of a close-off date of September 2008 for the filing of any outstanding historical grievances with the Waitangi Tribunal marks a significant milestone in the resolution of grievances. It recognises that, as a country, sufficient progress has been made to allow realistic targets to be set for the completion of the process in a fair and equitable manner for both the Crown and claimant groups.

In particular, the government welcomes debate on the place of the Treaty of Waitangi in the constitution. The recognition of equal rights for Māori, and special protection for Māori interests, in the context of a single legal system are at the heart of the commitments exchanged under the Treaty of Waitangi

of 1840. Accordingly, while Māori enjoy special recognition in many areas as a result of the Treaty of Waitangi, that special recognition is provided within the structure of the government and legal system as a whole.

Implementation of the Foreshore and Seabed Act 2004

Balancing respective rights and interests in the foreshore and seabed is also a complex matter. Before the Foreshore and Seabed Act 2004 there was an absence of workable mechanisms for identifying and recognising the nature and extent of Māori customary interests in the coastal marine area. The Foreshore and Seabed Act has now been in place for nearly three years and several groups are currently using the negotiation, and court application, processes available under the Act. It is an encouraging sign that, to date, groups seeking recognition of territorial customary interests have preferred the option of direct negotiations with the government rather than the alternative option of applying to the High Court in the first instance. To assess accurately the effectiveness of the legislation, we need to wait until the first applications have been completed.

Connecting Diverse Communities

One important development noted in the Race Relations Commissioner's 2006 report (p.23) is the bringing together of a range of policies and programmes under the title of "Strengthening Diverse Communities" (now called Connecting Diverse Communities). This is a whole of government work programme to strengthen relations between diverse ethnic, cultural and religious groups and to improve social cohesion. The aims are to strengthen intercultural relationships; address discrimination and promote respect; improve connections with cultural identity; build capacity and develop communities; and build our knowledge base about different communities.

Statement on Religious Diversity

Tolerance and respect for religious diversity is very closely linked to the elimination of racial discrimination. The government has been pleased to support the work led by the Human Rights Commission to develop the Statement on Religious Diversity as a community based statement with input from all significant faith based communities in New Zealand.

On-going scrutiny of ethnic disparities in social indicators and measures to address them

New Zealand continues to monitor closely its performance in respect of key social indicators. Ethnic disparities in many areas are the subject of on-going concern and action. These include health, education and housing, as well as rates of offending and imprisonment. Information on such matters is readily accessible via government websites, and other publications, and openly

debated in central and local government as well as wider civil society. The solutions for entrenched social problems often involve a range of different interventions by government, as well as communities themselves, and may take years to achieve tangible results. Opinions often differ as to the best means of tackling such problems. The government's approach to the targeting of social assistance is kept under review. Ethnicity may be used where appropriate as an indicator of need.

During the period covered by the report, and subsequently, there have, however, been positive changes in Māori and Pacific employment and average earnings, and improvements in Māori and Pacific educational attainment. Māori economic development has also been significant.

Free speech, hate speech and other racially motivated crimes

In New Zealand, as in many other countries, there are isolated instances of racially motivated harassment. The perpetrators of such actions do not represent the vast majority of New Zealanders to whom racial discrimination is abhorrent. New Zealand has a tradition of confronting and resolving issues in race relations in a non-violent way. We seek constructive long-term engagement to provide lasting solutions. Although forms of expression which denigrate, offend or malign certain sectors within society on the basis of their behaviour, culture, or characteristics may cause harm, there is debate in New Zealand as to whether anti-vilification (or 'hate speech') laws address or perpetuate the harm. The New Zealand Government sees the open discussion of problems in race relations as a sign of a free and democratic society.