1. Introduction

1.1 The New Zealand Human Rights Commission (“Commission”) welcomes the opportunity to make a submission on the promotion and protection of the rights of indigenous peoples in natural disaster risk reduction and prevention and preparedness initiatives, including consultation and cooperation with the indigenous peoples concerned in elaboration of national plans for natural disaster risk reduction.

1.2 We have limited our comments to information related to the Commission’s work in the Canterbury earthquake recovery.

1.3 On 4 September 2010, a magnitude 7.1 earthquake struck Canterbury, New Zealand. This was followed by a number of significant aftershocks. The earthquakes caused loss of life, serious injury and disruption in homes, jobs, businesses, schools, sports and recreation. There is damage to more than 90 per cent of the housing stock in greater Christchurch.\(^1\) Of these, an estimated 24,000 homes require either rebuilding or major repairs.\(^2\) The total rebuilding costs are estimated by Treasury to be approximately NZ$40 billion, close to 20 per cent of New Zealand’s annual GDP.\(^3\)

1.4 The ongoing dedication and efforts by the key agencies involved in the recovery have enabled many affected people to move on with their lives. However, many people affected by the earthquakes continue to experience deteriorating standards of living and impacts on their quality of life that go beyond the immediate effects of the disaster. In particular the recovery highlighted the need for communications policies directed at better engaging with diverse communities (including Māori) to provide a pragmatic starting point for more inclusive response mechanisms.

1.5 The Commission has been working with the people and communities of Canterbury, local and central government, Māori, business and non-government organisations to ensure that:

- the impacts of the earthquakes on vulnerable and affected people are heard and their dignity respected;
- the recovery goal to make Christchurch the world’s most accessible city is achieved;

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\(^3\) New Zealand Government, Minister of Finance Budget Speech 2013, [http://purl.oclc.org/nzt/b-1545](http://purl.oclc.org/nzt/b-1545)
that rights, such as the rights to health and housing, are realised and not compromised by uncertainty or unnecessary delay, ensuring people have access to a safe and warm home and can maintain connections to their community.

1.5 The wider scope of the Commission’s earthquake recovery-related work includes:

- receiving and responding to complaints about broader human rights matters around the recovery process;
- proactive community engagement and human rights education with civil society, non-government and government agencies;
- the preparation of submissions on government policy about the recovery; and intervening in human rights matters before the courts.

1.6 In December 2013 the Commission released its report Monitoring Human Rights in the Canterbury Earthquake Recovery. The report uses the Canterbury earthquakes to raise awareness and understanding of human rights in disaster contexts. Through a primary focus on housing, it examines the impact of the earthquakes on interrelated human rights standards relating to health, accessibility, democratic rights and the role of the public and private sectors in giving full effect to these rights.

2. Protecting the rights of vulnerable groups

2.1 Many Canterbury residents have told the Commission that limited access to information, the lack of transparency, participation and consultation, the time consuming nature of the recovery process, particularly around the restitution of housing and property, have been more damaging than the earthquake events themselves. The Commission believes an understanding of vulnerability and a demographic profile of the affected areas – including an assessment of vulnerability – is vital to ensure that any national recovery response is equitable and addresses the needs of all sectors of the community. This is particularly important since the poor, the elderly, the disabled and other marginalised groups inevitably fare worst in such situations.

2.2 The Commission views the development of vulnerability criteria by a number of the key agencies involved in the rebuild and recovery – both in the government and private sector – as a positive step. However, there remains awareness by these agencies themselves that three years on from the September 2010 earthquake some of the most vulnerable in Canterbury are yet to be identified and that new areas of vulnerability could yet emerge. It recommends that participatory and coordinated solutions that focus on the rights of the most vulnerable should be further developed.

2.3 The New Zealand Government’s Strategic Planning Framework identified the following groups to be particularly vulnerable:

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5 This is also a common theme in statements to the media, and in social media forums by affected homeowners. See: http://www.stuff.co.nz/the-press/news/christchurch-earthquake-2011/9134866/Three-years-on-The-unbelievable-EQC
6 The Strategic Planning Framework to support individual recovery and community wellbeing, and to build community resilience following the 2010 Canterbury and 2011 Christchurch earthquakes, New Zealand Government, May 2011, page 14
young people who have relocated to other schools;

- elderly people who have been relocated to retirement homes outside of Canterbury;

- ethnic groups with limited English and resources;

- those that have been injured and/or who have developed disabilities from the earthquake;

- children in precarious situations;

- people who have lost their jobs.

2.3 The Framework acknowledges that while responses among these groups will not be uniform and some might cope better than others, there is a number of potentially exacerbating disaster-related conditions. These conditions include:

*People with housing-related needs, who have:*

- had to move out of their homes

- are living in damaged homes

- in over-crowded households.

*People under financial stress such as:*

- those living in damaged homes without insurance

- low-income earners whose employment has been affected

- people living in worst hit areas.

2.4 The Framework provides two definitions of vulnerability:

“Individuals and families who, due to pre-existing conditions, are at a greater risk of developing stress related responses following the earthquakes.”

Or

“Individuals and families who, due to a pre-existing condition, or as a result of the earthquake, have more barriers to accessing support to help deal with stress.”

The question of how indigenous and CALD communities should be considered in the context of vulnerability mapping does not appear to have been the subject of any public debate related to the Canterbury recovery. The Commission would welcome further engagement on this.

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7 As above, page 26.
2.5 The earthquakes resulted in an acknowledgement by local and central government agencies that they did not know how to best engage with culturally and linguistically diverse ("CALD") communities. Two notable initiatives emerged in the recovery context that relate to engaging with vulnerable groups. These include the publication by the Christchurch City Council of ‘Best practice guidelines for engaging with culturally and linguistically diverse (CALD) communities in times of disaster’, and ‘Including culturally and linguistically diverse communities: information for the civil defence and emergency management sector’ published by the Ministry of Civil Defence and Emergency Management. While these resources are not explicitly directed at improving natural disaster risk reduction and response engagement with indigenous communities, they highlight the need for communications policies directed at engaging with diverse communities and provide a pragmatic starting point for more inclusive response mechanisms.\(^8\)

3. The impact of the earthquake on Māori and Pacific peoples

3.1 The eastern part of Christchurch bore the brunt of the earthquakes. This area covers high economic areas as well as a number of the lowest economic areas of Christchurch where there is a higher proportion of Māori (tangata whenua) and Pacific Island communities. These areas were severely damaged by the earthquakes with many homes and streets affected by liquefaction, damage to infrastructure and community facilities.

3.2 Māori and Pacific peoples featured relatively highly in migration figures following the February 2011 quake. Data from school rolls show that three times as many school-aged Māori children left their schools after the February earthquake compared to Pākehā children.

The migration rate for Samoan groups was even higher. This has been explained as a likely effect of the lower socio-economic status of these groups with families who were living “week-to-week or day-to-day” and who were most likely to have left the Canterbury area to find other work.

3.3 For Māori and Pacific people who remained in the city, their connections with family, community, church and marae\(^9\) proved to be strong sources of support and strength. Of those who were forced to leave their homes, many moved in with whānau and many were able to access the support services of marae.

3.4 Marae were used in different ways after the earthquakes. Some, such as Rēhua Marae, and Ngā Hau e Whā became crucial hubs for emergency services and for the

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\(^9\) A marae is a Māori meeting house or cultural community centre cultural community centre where Māori culture is celebrated, Māori language is spoken, and iwi (tribal) obligations are met. The marae is a wāhi tapu – a sacred place where iwi and Māori culture can flourish. Building Community Resilience: Learning from the Canterbury earthquakes: Final report to the Health Research Council and Canterbury Medical Research Foundation. See also, Lambert, S. Working Paper: Impacts on Māori of the Ōtautahi / Christchurch earthquakes, 2012.
coordination of the earthquake response. Ngā Hau e Whā was also used as a temporary location for the Justice Department law courts until May 2013.

3.5 A case study of how marae communities responded to the earthquakes provides an overview of effects of the earthquakes on the wellbeing of these communities. The *Building Community Resilience study*\(^\text{10}\) found that key factors that influenced or hindered the ability of marae communities to adapt following the earthquakes included:

- tribal infrastructure;
- marae capacity and capability;
- māori cultural practices and values;
- community connectedness;
- external support;
- people’s well-being;
- survival skills;
- extent of adversity.

3.6 Criticism in New Zealand of the overrepresentation of Māori and Pacific households in rental housing tenure and the way housing policy has failed Māori has been longstanding and consistent. The earthquakes have served to exacerbate these pre-existing housing challenges further.

4. The Iwi Māori Recovery Programme

4.1 The Iwi Māori Recovery Programme was established by the Canterbury Earthquake Recovery Authority (“CERA”) following the earthquakes to address issues such as housing and redevelopment on Māori land and reserves; the potential development of cultural services and facilities or alignment with other initiatives (such as performing arts venues, sports facilities and health services) and the restoration and recovery of the rivers and other significant natural features. The intention of the programme is also to assist central and local government to address their respective obligations under the Treaty of Waitangi and the Universal Declaration on the Rights of Indigenous Peoples (“UNDRIP”)\(^\text{11}\) through the recovery process, and to facilitate opportunities for effective engagement of the iwi authority Ngāi Tahu,\(^\text{12}\) Ngā Papatipu Rūnanga (local tribal council representatives) and Māori in relevant decision-making processes.\(^\text{13}\)

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*See for example, Articles 10,18,24 and 28.*

*Ngāi Tahu, the local iwi (tribe), is the largest iwi in the South Island. The iwi authority, Te Rūnanga o Ngāi Tahu, is the governing body that oversees the iwi’s activities. Te Rūnanga o Ngāi Tahu constitutes representatives from 18 rūnanga that are hapū-based and geographically-spread across Te Rohe o Ngāi Tahu (the Ngāi Tahu region), generally based around traditional Māori settlements.*

*See Canterbury Earthquake Recovery Authority, Iwi Māori Recovery Programme.*
4.2 Ngāi Tahu has noted that a large part of the rationale underlying the proposal to develop the Iwi Māori Recovery Programme was to ensure a greater voice for Maata Waka and Taura Here – the wider Māori community. This acknowledged Ngāi Tahu’s obligations in providing manaaki (care and respect) for the wider Māori community within its takiwā (tribal district). It also recognised that the wider Māori community were not currently recognised in the overarching recovery statutory framework.

5. Conclusion

5.1 The Commission acknowledges the admirable efforts of those involved in the Canterbury recovery effort to date. It continues to emphasise that these efforts will be better realised as agencies involved work together across the system to deliver the best outcomes, and when the people affected are able to genuinely participate in identifying and defining those outcomes.

5.2 The Commission appreciates the opportunity to make this submission and would welcome the opportunity to engage further with the Expert Mechanism on the Rights of Indigenous People on the promotion and protection of the rights of indigenous peoples in natural disaster risk reduction and prevention and preparedness initiatives.

5.3 If you would like to discuss any aspect of this submission further please contact Margaret MacDonald, Human Rights Specialist at magaretm@hrc.co.nz.