

Indigenous people with disabilities: The argument for representation in human rights legislation (with specific reference to the development stage of the United Nations International Disability Convention)

Huhana Hickey

Doctoral Student

Te Aka Tikanga (*Department of Māori Culture*)
Te Pua Wānanga ki te Ao (*The School of Māori and Pacific Development*)
Te Whare Wānanga o Waikato (*University of Waikato*)
Private Bag 3105, Hamilton, New Zealand
[sjh8@waikato.ac.nz]

Abstract

Until comparatively recently, human rights legislation was largely based on a universalist analysis. In treating all human beings alike, in failing to acknowledge the need for special measures to combat the marginalisation and oppression of particular groups, such as indigenous people and people with disabilities, it actually contributed to their invisibility and, hence, to their marginalisation and oppression. More recently, however, there has been a global trend towards the recognition of marginalised groups in human rights legislation. Even so, universalism, and the prejudice that so often accompanies it, is still in evidence. For example, although the United Nations is currently involved in drafting a Disabled Persons Convention, indigenous people with disabilities are not specifically represented. Their particular situation, one that involves a dual form of oppression (as indigenous people and as people with disabilities) is not acknowledged. Unless this situation is remedied, the Convention will inevitably be both less acceptable and less useful than would otherwise be the case.

International Human Rights and Disability Rights: The Global Trend

International procedures to protect individuals and to hold governments accountable are relatively new. There have always been forces which prevented powerful machinery from coming into effect at the global level. Within the United Nations framework, there is no international court of human rights that is empowered to hand down enforceable judgements and there is no international mechanism which is activated whenever and wherever human rights are at stake (Degener, 2005, p. 87).

Rights-based issues within the international and domestic context are relatively new in legal terms. Even more recent is the development of disability and indigenous people's policy. Since the introduction of the United Nations Declaration of Human Rights 1948 (UNDHR), the United Nations (UN) has focused on Treaties for groups requiring specific protection. The rationale for this is that the original declaration did not take into account some of the issues concerning inequality that affect certain minority groups such as, for example, indigenous people and disabled people. Thus, for example, it has been argued (Degener, 2005, p. 87) that:

In the context of equal rights, disabled people have until recently been a forgotten minority. Consequently, it was assumed . . . that an anti-

discrimination statute which did not expressly mention disability or (health status) would probably not, in practice, be applied for the protection of disabled people.

Historical Overview of the Status of Disabled Persons Internationally

Disabled people have existed as marginal figures, their contributions and perspectives are not generally noted. Researchers outside disability studies have not been actively interested in this history nor in examining the meaning and function of disability in the lives of the few well-known people with disabilities (Linton, 1998, pp. 36-37)

The treatment of disability, both generally and in legal contexts, has been comparatively well documented in Western/European based societies. This is also true, in a post-colonial context, of those societies that have been colonised or heavily impacted by Western societies and laws, since, as Thaman states:

[It] was assumed that the concept of human rights was self-evident, universal, culture-free and gender neutral! Such assumptions were at best naive and at worst arrogant, because most international covenants are based on Western liberal beliefs and values, and like all beliefs and values, they are embedded in a particular cultural agenda where indigenous peoples together with their assumptions and values have been and continue to be disregarded and marginalised. This needs to be acknowledged if the issues relating to the ratification and operationalisation of international treaties and covenants are to be meaningfully discussed. Most of what the international community assumes to be self-evident is simply not so to the majority of the world's non European peoples, including many Pacific peoples, who have their own perceptions of what they should or should not do and be, and why (as cited in Wilson & Hunt, 1998, pp. 2-3).

In the case, however, of indigenous, pre-colonial, pre-industrialised societies, societies in which there was no academic construct of 'disability' as a unitary phenomenon, documentation of attitudes towards, and treatment of people with disabilities is sparse. This is not only because the tradition of passing information from one generation to the next orally has been disrupted, but also because indigenous people's knowledge has been devalued and, in many cases, positively suppressed. Even so, anthropological research has provided insight into some of the ways in which such communities responded to, and cared for, people with disabilities. Thus, for example, Trinkhaus and Shipman (1993, p. 108) describe the fossil remains of a Neanderthal male who is believed to have sustained serious injuries that resulted in impaired mobility, partial blindness, and the use of only one arm, observing that the fact that he lived for between thirty and forty-five years (a long life-span) must have been due to the "compassion" and "humanity" of the Neanderthals. Similarly, Gould (1988, p. 108) comments on the fact that an individual from the Upper Paleolithic period whose remains indicate physical disabilities (a form of dwarfism resulting in limited mobility), was buried in a cave that appeared to be reserved for people of high status.

There were, and are, of course varying attitudes towards people with disabilities in indigenous societies, these differing attitudes relating not only to the nature of the disability itself, but also to a range of cultural factors. In consultation with key informants within the Māori disability sector, I have identified a range of different attitudes towards *whānau* (family and extended family members) with disabilities. I believe that these differences are likely, in some cases, to be a reflection of differences that existed in pre-colonial times. Thus, in some cases, such people are accepted as a *taonga* (gift) and may even, in line with what is regarded as a traditional practice, be elevated to the status of *tohunga* (skilled person, healer), their disability being viewed as providing a link between the material and the spiritual elements of Māori cosmology. In contrast, some Māori appear to believe that their disabled *whānau* member's impairment is the result of a *hara* (sin) or a *makutu* (bewitched), that is, that it is punishment for the wrong-doing of an ancestor.¹ As Lange (1999, pp. 8-9) observes:

Committing a *hara* resulted in the withdrawal of supernatural protection. Any sort of catastrophe might now occur . . . Illness or death could also result from *makutu* . . . Until the arrival of Pakeha, these explanations covered most kinds of illness . . . In the traditional Maori understanding, then, illness was regarded as a supernaturally induced condition that was likely to end in death unless something was done. Such an intensely held conviction often itself played a part in the illness. Even in this time, Buck noted the contrast between the remarkable *speed* of recovery from wounds in which the supernatural was not involved, and the marked susceptibility to diseases that should not have been fatal.

These examples provide some insight into the status of some people with disabilities prior to industrialisation and colonisation.

Western (and Western-influenced/dictated) approaches to disability have changed over time. Prior to the development of the Social Model of Disability,² the placement of disabled persons in society was based on medical perceptions rather than social status. That model, however, is underpinned by the belief that the major barrier may not be impairment itself but the attitudes of society towards disability. Historically, the law placed disabled persons into statute as objects of the law and not as subjects. Only recently has this trend begun to change. In referring to an article written by Hanks and Hanks (1948), where a useful starting point was established for organising the available evidence of medical classifications of impairment into a typology or classification system,³ Linton (1998, p. 37), observes that:

It is the strength of the report that they looked primarily at social participation rather than at treatment or care provided to disabled people, and that they looked to the social structure for the explanation of the degree of integration or participation of disabled people in each society rather than to the nature of the disability itself or the psychosocial makeup of disabled persons.

While there have been differences in the cultural experiences of disabled people in different communities over time, there have also been some similarities, similarities that became apparent when social scientists began to explore cultural attitudes in different places. Hanks and Hanks (1948) as cited in Linton, is significant in that it

focused on social participation (viewing people with disabilities as subjects) rather than on their treatment or care (viewing people with disabilities as objects). To the extent that they considered only physical disabilities in some non-Occidental societies, the research of Hanks and Hanks was, however, limited.

In response to a range of international human and civil rights actions taken in the last forty years, the medicalised objectifying of people with disabilities in law has begun to change. However, certain marginalised groups, including indigenous people with disabilities, remain invisible within disability rights discourse.⁴ They are being excluded, and will continue to be excluded, until such time as they are recognised. Indigenous people with disabilities face a unique form of discrimination, discrimination in relation to their indigeneity, and discrimination in terms of their disability. There is a need for recognition of, and research into, this dual discrimination, influenced as it is by a range of social and cultural factors which are largely overlooked in discourse that is dominated by westernised perceptions.⁵

As Ghai in her article *Disability in an Indian Context* (p. 94), explains:

What is important is whether the disability movement in India is raising pertinent issues about power, discourse and context in the construction and use of the term 'disabled', and whether Western symbols and ideas can explain the intricate patterns of rural and urban culture. . . . In the midst of these harsh and disabling realities, whether and how other marginalising aspects of case, gender and class play a significant role is not even questioned, for instance, when one is contending with recurring issues of poverty and disability, that gender would define accessibility is not considered (as cited in Corker & Shakespeare, 2002).

It is not, of course, only indigenous people with disabilities whose circumstances, needs and rights are being overlooked. Other people with disabilities, including those who wish to migrate from one country to another, are also suffering from a form of prejudice and discrimination that remains largely unaddressed.

Human Rights Laws and Instruments

[The Human Rights Committee] has noted the persistence within society of discriminatory attitudes and prejudices based on race or gender, which made it difficult to ensure the full enjoyment of the right. . . . The Committee has emphasized the need for the Government to increase its efforts to prevent and eliminate persisting discriminatory attitudes and prejudices against persons belonging to minority groups and women (Boerefijn, 1999, pp. 323-324).

As a legal concept, human rights is a Western construct and, as such, is inevitably biased towards Western notions of social and cultural identity. It remains the case, however, that different societies have differing views on human rights (see, for example, Douzinas (2000)). As Freeman and Van Ert (2004, p. 47) note:

It is largely uncontroversial that the origins of the human rights concept . . . are 'Western'. This does not indicate the superiority of Western civilizations. . . .

The Western origins of the human rights concept have provided fertile ground for some non-Western states to justify their opposition to human rights. . . . Various declarations are made, including that human rights must be understood differently in different cultural contexts, and their religious, cultural, and historical differences require greater recognition.

Until very recently, international human rights laws have largely ignored the rights of people with disabilities. So far as indigenous people with disabilities are concerned, the likelihood is that this situation will continue unless their particular experiences of discrimination are recognised and they are given the right to have a voice in the drafting of human rights legislation.

Currently, the United Nations is preparing a Disabled Persons Convention (DPC) and an Indigenous Peoples Convention (IPC). However, indigenous disabled people have no official physical presence at the United Nations ad-hoc meetings about the proposed DPC. This is not because indigenous people with disabilities are ambivalent in their attitudes towards the DPC. Rather, it is because indigenous people with disabilities are not recognised as a group with the right of participation. Thus, at the same time as arguing that the rights of people with disabilities should be protected, the United Nations is denying the right of a particular group of people with disabilities to be represented. This type of situation is, as Breslin and Yee (2002, pp. 179-80) demonstrate, not new:

Since World War II, the existence of human rights has been recognised in international law, and to varying degrees, in most domestic legal systems. . . . Most . . . national and international instruments make a ringing declaration along the lines that ‘human rights shall not be denied on the basis of’, followed by a specific enumerated list that typically includes the grounds of race, ethnicity, national origin, and gender. . . . Disability, on the other hand, was not initially admitted into the club; the diminished opportunities and isolation of people with disabilities was seen as an inevitable consequence of their individual conditions and an issue for charity, not a matter of human rights being denied.

At United Nations ad-hoc meetings relating to the development stage of the DPC held recently in New York (Ad-Hoc6 was the last meeting held in August 2005), a number of New Zealand representatives lobbied for specific representation by indigenous people with disabilities. These included Gary Williams, CEO of the New Zealand Disabled Persons Assembly (DPA),⁶ and Dr Jan Scown, Director of the Office for Disabilities Issues (ODI). An extract from Jan Scown’s speech at the 2nd ad-hoc meeting at the UN in New York is printed below:

Our approach highlights the need to give special consideration to those disabled people who experience double-disadvantage, such as indigenous peoples, ethnic minorities, women and children. New Zealand believes it is important that we are mindful also of the most significant disabled, many of whom have no voice in forum such as this. New Zealand accepts and understands also that disabled people are not a homogenous group. In reality, some disabled people do not identify as disabled (but do experience the barriers society puts in the way of disabled people).

In view of this type of lobbying, the failure of the United Nations to provide opportunities for indigenous people with disabilities to be represented in the drafting of DPC legislation cannot be seen as anything other than deliberate, a decision that is no doubt based largely on financial considerations.

The draft of Disability Australia's submission on the DPC to the Australian Attorney General (2005) indicates support for the idea that indigenous people with disabilities should be specifically recognised within the Constitution, citing eight reasons why they should be specifically recognised within Article 12. It has been argued that all colonised groups who experience disability face particular issues of ongoing marginalisation and exclusion, issues that would be exacerbated by their continued exclusion from the development phases of the IPC.

The very fact that until recently disability was treated more as an economic and social issue than a human rights issue within the UN is something that is, in the opinion of Breslin and Yee (2002, pp. 179-190) of serious concern:

Until relatively recently, disability has never been specifically included as a prohibited ground for the denial of human rights. Even now, the United Nations tends to frame disability matters as an agenda item of economic and social concern rather than a matter of 'pure' human rights, which remains dominated by civil and political issues. Within this historical context, the achievement of unequivocal inclusion in International human rights instruments and law, and civil rights traditions wherever those exist, is an integral aspect of people with disabilities empowering themselves and believing they are fully accepted and protected as human beings.

For over forty years, the achievement of what can be referred to as 'rights parity' for marginalised groups has been pursued. The case against segregation and discrimination on the grounds of race, gender and sexuality has been carefully argued, just as the case against segregation and discrimination on the grounds of disability is now being argued. As Breslin and Yee (2002, pp. 179-180) note:

Obviously the importance of achieving "rights parity" is not unique to people with disabilities. Patricia Williams describes the feelings of Black Americans upon the enactment of racial anti-discrimination laws. . . . It is the magic wand of visibility and invisibility, of inclusion and exclusion, of power and no power. The concept of rights, both positive and negative, is the marker of our citizenship, our relation to others.

For indigenous people with disabilities, exclusion on grounds of gender and race as well as disability continues to be a reality. The fact that they are not specifically included in the preparation phase of the IPC or the DPC simply reinforces that exclusion. Furthermore, it is evidence of the continuing power of colonisation to deny the right of indigenous people to assert the significance of their own identity and their own practices.

The exclusion of this group within the working groups of both the DPC and the IPC Conventions is, in my opinion, due, in part, to the fragmentation of their traditional

beliefs, customs, practices and lands resulting from colonisation and the introduction of Western-based laws and religious practices.

In New Zealand, the Tohunga Suppression Act 1907 is one example of the way in which the legal system has been used to deny indigenous people's right to maintain their traditional healing and spiritual practices. Even Māori academics and medical professionals were involved in pushing for this Act to try to remove the influence of Tohunga over Māori and have them succumb to the medicalised structures in evidence then and today. As Moon (2003, p. 54) notes:

The Tohunga Suppression Act, and the mudslide of British colonialism that carried it along, had swamped some of the strongest branches of Maori culture to a point where they were virtually obsolete.

Majority groups have characteristically attempted to deny the right of autonomous identity to others by arguing that everyone should be treated in the same way. The superficial appeal of such arguments, particularly so far as the dominant majority is concerned, makes them particularly dangerous. It is, in fact, arguments of this type that have so often been used to undermine the human rights agenda. It is, therefore, particularly distressing to find that they have been accepted in the context of United Nations deliberations on the drafting of both the DPC and the IPC. So long as legal entities fail to recognise the multiplicitous nature of identity within the disability and indigenous communities, exclusion and discrimination are inevitable.

The probable effects of the non-representation of indigenous people with disabilities at the development stages of the DPC and IPC

The lobbying of New Zealand and Australian representatives on the United Nations ad-hoc working group has not been wholly without effect. It has led to the establishment of a new position on the steering committee for the DPC, a position reserved for a representative of indigenous people with disabilities.^{8, 9} This is, however, as is so often the case, too little too late. As Cooper (2000, p. 268) notes:

Meaningful involvement and consultation requires power sharing. . . . Different methods of involvement and consultation should be used in order to integrate perspectives from those groups which often find themselves excluded. Financial support, time, transport, information, training, and care back-up should be provided in order to maximize people's participation.

If the DPC and IPC are to be effective, they must be as complete as possible and they must have the support of the people they purport to represent. The exclusion of indigenous people with disabilities from the development phase means that the final product is likely to be less effective, and to be seen as being less effective, than might otherwise have been the case. To date, Māori with disabilities, as well as others from Polynesian and Melanesian communities and elsewhere, have had to work in isolation. None of them has attended specifically as a representative of the indigenous communities to which they belong although all of those with whom I have been in correspondence report that they have suffered from a sense of cultural invisibility in their own countries.^{10, 11}

Current United Nations Instruments

There is currently no international treaty on disabled people's rights. This means that New Zealand has no obligation to implement disability-related legislation. Furthermore, although the international Declaration of Human Rights 1948 (UNDHR) states that *all* citizens should be accorded civil, political, social, economic and political rights, it makes no specific reference to people with disabilities. As Freeman and Van Ert (2004, p. 35) point out:

It is commonly asserted that human rights are 'equal'. In at least one sense that is certainly true. All humans have equal human rights. Were it otherwise, the predicate 'human' in human rights would be misplaced. Yet the equality of human rights among humans neither expresses nor implies the equality of human rights between themselves.

The only specific reference to disability in United Nations Instruments appears in the Convention on the Rights of the Child (UNCROC) where Article 23 accords to children with a physical or mental disability the specific right to certain protections in relation to a desire to obtain the same rights as non-disabled children. In contrast, as the Human Rights Commission (2004, p. 69) stresses, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) offers no specific protection to disabled women and girls.

It has already been noted that there have been problems in securing representation by indigenous people with disabilities in the preparation phases of the DPC. The same has also been true in the case of the IPC. Furthermore, it seems at this stage unlikely, in spite of the work done by the ad-hoc group, that there will be an Article in the DPC that refers specifically to indigenous people with disabilities: Member States are refusing to acknowledge the marginality of this particular group and it is they who have the final decision-making power. This reinforces the following point made by Lawson and Gooding (2005, p. 201):

There are strong historical parallels between patterns of discrimination against blacks and disabled people. The right to equal treatment was extended only to those who were characterised as equal; but women, blacks and disabled people were, it was claimed, relevantly different.

While not binding, the following United Nations declarations have given a reference point for Governments to acknowledge the rights of people with disabilities (see Gareis & Varwick, 2005):

- The Declaration on the Rights of Disabled People;
- The Declaration on the Rights of Mentally Retarded Persons 1971;
- The Proclamation on the Full Participation and Equality of Disabled People in the Asia Pacific Region;
- The World Programme for Action Concerning Disabled People 1983.

Also of relevance to disabled persons are the two International Labour Organisation (ILO) Conventions¹² which have had a direct impact on the employment of people with disabilities. In fact, however, New Zealand has been exempted from compliance with these Conventions, something that has created considerable difficulties for those

seeking employment conditions that are comparable with those enjoyed by people without disabilities.¹³

Fighting for just treatment rather than equal treatment

As Lawson and Gooding (2005, pp. 202-203) emphasise, it is important to remember that those groups that have been recognised legally have had to fight for that legal recognition:

The logical response to the subordination of women, blacks and disabled people is to argue that they are not relevantly different and that they accordingly qualify for equal rights. Early feminists therefore argued that women have equal rights because 'the nature of reason must be the same in all'. Equality, however, meant no more than formal equality or a demand that like should be treated alike. . . . It soon became clear that equality as sameness, by requiring as a precondition for like treatment that two individuals could be shown to be relevantly alike, simply privileged the dominant one. Clearly, treating two people alike, where one comes to the situation already burdened with disadvantage, will do no more than perpetrate that disadvantage.

So far as the DPC and IPC are concerned, the argument used to exclude indigenous people with disabilities as a group is a familiar one. They are considered not to be different in any relevant way. Thus, what they are offered is equality with others. In the short term (that is, in the development phase of the Conventions), this means being denied representation except to the extent that they are able to secure it indirectly by virtue of, for example, their positions as representatives for people with disability generally.¹⁴ In the longer term, it is likely to mean that the Conventions will themselves perpetuate injustice in the name of equality. Quinn and Degener (2002, p. 28) note that:

One of the main tasks of the international human rights system in this field is to make societies aware of the contradiction between their self-professed values and their application (or rather their non-application or misapplication) in the context of disability.

In fact, the same could be said of the United Nations itself. The United Nations needs to be made aware of the contradiction between its self-professed values and their application in the case of the development phases of the DPC and IPC. After all, as Lawson and Gooding (2005, pp. 214-215) argue:

[Participation] is an important means of overcoming marginalisation and social exclusion. Participation also connotes inclusion in major social institutions, particularly decision-making bodies, from the legislature down to the workplace. Participation in this sense is an essential part of positive duty. Positive duties are prospective, and must be fashioned to fit the problem at hand. . . . The participation of affected groups increases the likelihood that strategies will succeed as well as democratising the very process of achieving that equality.

Conclusion

In countries colonised by Western people and Western ideologies, indigenous people with disabilities face complex and multiple forms of oppression which remain largely un-researched. The failure of nations to acknowledge this is compounded by the failure of the United Nations to acknowledge it, something that is particularly disturbing in the context of the preparation of the Indigenous Peoples Convention and the Disabled Persons Convention, both of which are intended to play a part in securing human rights. Such a paradox illustrates the difficulty that human beings, even those who are dedicated to securing justice, have in escaping from their own prejudices and preconceptions.

Endnotes

1. This type of thinking may, however, be linked to the biblical beliefs that were introduced with colonisation.
2. This is being used extensively to develop disability policy in New Zealand.
3. Hanks and Hanks study *The Physically Handicapped in Certain Non-Occidental Societies* (1948) predates the formal presentation of social models of disability by around thirty years, it is focused on the social variables that structure participation rather than at treatment or care provided to disabled people. I have been unable to locate a copy of this study in New Zealand other than in work written about their study by writers such as Linton.
4. The invisibility of indigenous disability identity may be due to the fact that disability as an identity did not exist as a specific construct prior to colonisation and exposure to European attitudes towards impairment. Thus, although disability existed, it was not segregated and isolated as a particular construct until western medicalisation began to label and differentiate these conditions and identities.
5. These could both be viewed within the multi-diversity model of identity. However, disability is often an excluded subject matter as culture is narrowly defined and does not include a cultural identity of disability.
6. Although Williams identifies as Māori (Ngāti Porou) and supports attempts to secure specific representation for indigenous people with disabilities, he believes that his role within the UN must be seen as an overarching one, one that relates to ensuring that the interests of all people with disabilities are represented. Williams also acknowledges that DPA does not represent Māori disabled persons and their issues. I acknowledge Williams' position and support it.
7. One exception to this is Deaf identity discourse in which deafness is treated as a cultural identity rather than as an impairment.
8. No such position has been created in the case of the IPC. The result is fragmentation: indigenous people with disabilities are separated from their communities and cultural identity.
9. The DPC ad-hoc working group steering committee has, in consultation with indigenous disabled members of the ad-hoc e-group of disabled persons globally, confirmed the setting up of an indigenous persons representative on their steering committee of 22 persons elected by disabled persons from around the world. This is in response to extensive lobbying by indigenous disabled asking to be specifically included as a marginalised group needing visibility through specific protections spelt out in the proposed Convention.
10. Personal communications with several indigenous representatives who have been directed to represent people with disabilities generally rather than indigenous people with disability.
11. Based on discussions with disabled Sami, Australian Aborigine, Canadian First Nations peoples, Native Americans, African peoples and Native Hawaiians who have all reported a lack of support from their Nations in regard to having indigenous disabled voices represented at the NY ad-hoc biannual meetings.
12. ILO Convention 111 concerning Discrimination in Respect of Employment and Occupation 1958 and Convention 159 concerning Vocational Rehabilitation and Employment (Disabled Persons) 1983.
13. Although New Zealand has ratified ILO Convention 111, it has not ratified ILO Convention 159.
14. The one exception to this is the position secured in the steering Committee of the DPB.

References

- Attwood, B. & Markus, A. (1999). *The struggle for aboriginal rights: A documentary history*. Australia: Allen & Unwin.
- Bennett, S. (1999). *White politics and black Australians*. Australia: Allen & Unwin.
- Bierhoff, H. (1989). *Person perception and attribution*. Germany: University of Marburg.
- Bill of Rights Act 1990.
- Bobbio, N. (1996). *The Age of Rights*. England: Polity Press.
- Boerefijn, I. (1999). *The Reporting procedure under the covenant on civil and political rights: Practice and procedures of the Human Rights Committee*. Groningen: Hart.
- Bogard, M. (1995). *The legal rights of people with intellectual disabilities*. Wellington, NZ: Legal Resources Trust.
- Brereton, R. (1998). *The impact on people with disabilities*. Wellington, New Zealand: Human Rights Commission.
- Breslin, M. L. & Lee, S. (Eds.). (2002). *Disability rights law and policy: International and national perspectives*. Ardsley, NY: Transnational Publishers Ltd.
- Bryder, L., & Dow, D. A. (Eds.). (2002). Maori health. Special issue. *Health and History: Journal of the Australian Society of the History of Medicine*, 3(1).
- Cooper, J. (Ed.). (2000). *Law, rights & disability*. USA: Jessica Kingsley Publishers.
- Corker, M. & French, S. (Eds.). (1999). *Disability discourse: Disability, human rights and society*. Buckingham UK: Open University Press.
- Corker, M. & Shakespeare, T. (Eds.). (2002). *Postmodernity and disability: Embodying disability theory*. UK: Continuum.
- Degener, T. & Koster-Dreese, Y. (Eds.). (1995). *Human rights and disabled persons essays and relevant human rights instruments*. Netherlands: Martinus Nijhoff Publishers.
- Douzinas, C. (2000). *The end of human rights: Critical legal thought at the turn of the century*. USA: Hart Publishing.
- Dow, D. A. (1999). *Maori health & government policy 1840-1940*. Wellington, NZ: Victoria University Press.
- Durie, M. (1994). *Whaiora: Maori health development*. Auckland, N.Z.: Oxford University Press.
- Durie, M. (2001). *Mauri ora: The dynamics of Maori health*. Melbourne: Oxford University Press.
- Franklin, J. (Ed.). (1997). *Equality*. London: IPPR.
- Freeman, M. & Van Ert, G. (2004). *Essentials of Canadian law: International human rights law*. Ontario, Canada: Irwin Law Inc.
- Gaete, R. (1993). *Human rights and the limits of critical reason*. England: Dartmouth Publishing Company Ltd.
- Gidley, M. (Ed.). (1992). *Representing others: White views of indigenous peoples*. Great Britain: University of Exeter Press.
- Gotlieb, A. (Ed.). (1970). *Human rights federalism and minorities*. Canada: John Deyell Ltd.
- Harawira, M. (1999). Neo-imperialism and the (mis)appropriation of indigenusness. *Pacific World*, 54, 10-15.
- Health and Disability Commissioner Act 1993.
- Hillyer, B. (1993). *Feminism and disability*. USA: University of Oklahoma Press.
- Human Rights Act 1993.
- Human Rights Commission Act 1977.

- Human Rights Commission. (2004). *Human rights in New Zealand today: Nga tika tangata o Te Motu*. N.Z.: Human Rights Commission.
- Lange R. (1999). *May the people live: A history of Maori health development 1900-1920*. Auckland, NZ: Auckland University Press.
- Lawson, A. & Gooding, C. (Eds.). (2005). *Disability rights in Europe from theory to practice: Essays in European law*. USA: Hart Publishing.
- Linton, S. (1998). *Claiming disability knowledge and identity*. USA: New York University Press.
- Metge, J. (1985). *In and out of touch: Whakamaa in cross cultural context*. Wellington: Victoria University Press.
- Ministry of Health. (2001). *The New Zealand disability strategy: Making a world of difference - Whakanui orange*. Wellington, New Zealand: Ministry of Health.
- Ministry of Womens Affairs & CEDAW. (1998). *Status of women in New Zealand: The combined third and fourth reports on New Zealand progress on implementing the convention on the elimination of all forms of discrimination against women*. Wellington, New Zealand: Ministry of Womens Affairs.
- Minow, M. (1990). *Making all the difference: Inclusion, exclusion and the American law*. USA: Cornell University Press.
- Moon, P. (2003). *Tohunga: Hohepa Kereopa*. Auckland, NZ: David Ling Publishing Ltd.
- Quinn, G & Degener, T. (Eds.). (2002). *Human rights and disability: The current use and further potential of United Nations instruments in the context of disability*. N.Y.; Geneva: United Nations.
- Quinn, G., McDonagh, M. & Kimber, C. (1993). *Disability discrimination law in the United States, Australia and Canada*. Dublin, Ireland: Oak Tree Press.
- Ratima, M. M., Durie, M. H., Allan, G. R., Morrison, P. S., Gillies, A. & Waldon, J. A. (1995). *He anga whakamana: A framework for the delivery of disability support services for Maori*. New Zealand: Massey University Department of Maori Studies.
- Tohunga Suppression Act 1907.
- Tuhiwai-Smith, L. (1999). *Decolonizing methodologies: Research and indigenous peoples*. Dunedin, New Zealand: University of Otago Press.
- Vinding, D. (1998). *Indigenous women: The right to a voice*. Denmark: International Work Group for Indigenous Affairs.
- Wilson, M. & Hunt, P. (Eds.). (2000). *Culture, rights and cultural rights: Perspectives from the South Pacific*. NZ: Huia Publishers.