



Mr Chair,

New Zealand wishes to acknowledge the statement that has already been delivered under this agenda item by Mexico on behalf of the Group of Friends on Indigenous issues, of which New Zealand is a part. We would like to expand on some of the issues addressed in this statement, in relation to New Zealand's domestic context.

We would like to thank the Secretary General for the report on 'Progress made in the implementation of the outcome document of the World Conference on Indigenous Peoples', and the Special Rapporteur on the rights of indigenous peoples for her report on the impact of international investment and free trade on the human rights of indigenous peoples.

In reference to these reports, we will speak to three key issues of interest to New Zealand:

1. Implementation of policies and programmes consistent with the WCIP
2. Efforts to improve existing UN mechanisms
3. The importance of indigenous participation
4. The relationship between free trade and indigenous people.

*Implementation of policies and programmes consistent with the WCIP*

Firstly, as noted in the Secretary-General's report, it is positive to see that many countries have developed policies and programmes at the national level with regard to the rights of indigenous peoples, consistent with the outcome document of the World Conference on Indigenous Peoples.

The New Zealand Government continues to promote and protect the rights of indigenous peoples in New Zealand based on the principles of the Treaty of Waitangi.

The New Zealand government has been active in this regard and details of the Government's actions and challenges can be found in our WCIP questionnaire submitted in July, and in statements made at the Permanent Forum on Indigenous Issues and the Human Rights Council.

It is important to recognise challenges faced by States in supporting the realization of the aspirations of indigenous rights outlined in the Declaration and the World Conference outcome document. For New Zealand, one of the major challenges that must be taken into account is the appropriate consideration of existing domestic legal and constitutional frameworks, which have been carefully developed over many years, and continually evolve. An example of this is where the Declaration sets out aspirations for rights to and restitution of traditionally held land and resources. New Zealand has, through its well-established processes for resolving Treaty of Waitangi claims, developed its own distinct approach. That approach respects the important relationship that Māori have with their

lands and resources, and the principles that underpin that relationship. It also maintains the existing legal regimes for the ownership and management of land and natural resources.

We appreciate the Secretary-General's update on the development of a system-wide action plan to ensure a coherent approach to supporting Member States in achieving the ends of the United Nations Declaration. The progress made by the working group of the Inter-Agency Support Group on Indigenous Peoples' Issues is encouraging, and we fully support the action areas identified by the working group in its draft set of guiding principles, as outlined in paragraph 18 of the report.

#### *Existing mechanisms*

Regarding efforts to improve existing UN mechanisms to achieve the ends of the Declaration, New Zealand strongly supports efforts to improve existing UN mechanisms.

In our statement delivered at EMRIP we affirmed our view that:

- the Expert Mechanism's new mandate should include a stronger role in terms of facilitating the application of the Declaration at the national and international levels.
- New Zealand would be hesitant about the creation of additional modalities that might be duplicative and distract our collective efforts away from existing procedures, or that could undermine the bodies already mandated with these important responsibilities.

We are cautious about the recommendation in the Secretary-General's report that the modified mandate should enable the Expert Mechanism to engage in direct communications with Member States.

New Zealand cosponsored the Human Rights Council resolution 30/11 which provides a framework for the review process, and we look forward to constructively engaging in the expert-workshop in early 2016. We hope that negotiations on the review can be concluded during the 33<sup>rd</sup> session of the Human Rights Council, so that the balance of the existing mechanisms can be considered in a coherent way, given that the Special Rapporteur's mandate is being reviewed at that time.

#### *Participation*

As reflected in the statement delivered by the Group of Friends, New Zealand continues to support indigenous participation, and commends the SG for his concrete proposals in this regard.

#### *SR report*

The New Zealand government is mindful of the potential impact of investment and free trade agreements on the rights of indigenous peoples. We note the conclusions and recommendations of the Special Rapporteur on this theme.

New Zealand has concluded a large number of free trade agreements, and protects the rights of Maori under these agreements by way of a clause referring to the Treaty of Waitangi, which provides that: "nothing in this Agreement shall preclude the adoption by

New Zealand of measures it deems necessary to accord more favourable treatment to Maori in respect of matters covered by this Agreement including in fulfilment of its obligations under the Treaty of Waitangi.". This reflects the Special Rapporteur's recommendation in paragraph 77(f) of her report.

Thank you Mr Chair.