

Human Rights Council, 12th session

14 September - 2 October 2009

Item 6

**Intervention on the adoption of the outcome document of the
Universal Periodic Review of New Zealand**

Indigenous World Association (NGO with Special Consultative Status)

International Indian Treaty Council (NGO with Special Consultative Status)

Aotearoa Indigenous Rights Trust (National NGO)

Peace Movement Aotearoa (National NGO)

24 September 2009

Thank you Mr President.

Indigenous World Association makes this statement with the support of the International Indian Treaty Council, and on behalf of the Aotearoa Indigenous Rights Trust and Peace Movement Aotearoa.

We appreciate the Human Rights Council's work in highlighting areas where New Zealand is deficient in its protection of Indigenous peoples' rights.

We also appreciate the New Zealand Government's constructive approach to the UPR process, which marks a positive change from New Zealand's previous approach of discrediting much international human rights oversight.

However, we are concerned that New Zealand rejects a number of recommendations to ratify human rights treaties and ILO Conventions, especially where ratification would be of benefit to Maori, as well as other New Zealanders, such as the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

We also remain concerned that New Zealand has not yet supported the UN Declaration on the Rights of Indigenous Peoples, an indication of the hypocrisy in New Zealand's rhetoric that it gives effect to Maori rights. We urge New Zealand to support the Declaration without reservation and without delay.

Consistent with the UPR recommendations, we remain concerned that, by law, legislation that breaches human rights can be enacted in New Zealand. This unacceptable situation results in Maori rights, whether guaranteed in the Treaty of Waitangi or set out in international human rights instruments, remaining vulnerable to the whim of majoritarian governments, which have often passed legislation breaching the Treaty and such instruments.

Thus, we also urge the Council to strengthen its call on New Zealand to provide robust constitutional protection of the rights in the Treaty of Waitangi and the Declaration, including in its domestic Treaty settlements policy.

Finally, and contrary to New Zealand's stated response to the UPR, it has seldom acted positively on recommendations from human rights treaty bodies and special procedures when these relate to Maori. We urge the Human Rights Council to continue to apply pressure on New Zealand to fully meet its obligations in this regard.

Thank you Mr President.