

Tuesday 13 July 2021 – Pacific and Asia Regional Meeting

Item 8: Draft Report – Indigenous Peoples and the Right to Self-Determination

Tēnā koutou katoa,

Greetings Madam/Mr Chair, and all participants.

On behalf of Te Kāhui Tika Tangata, the New Zealand Human Rights Commission, I welcome the Expert Mechanism's draft study on self-determination, and the guidance it provides on this fundamental right.

As the draft study notes, Indigenous Peoples' enjoyment of the right to self-determination is crucial to the enjoyment of all other rights. Realising self-determination has demonstrable links to improved outcomes in all areas of life.¹

We welcome steps being taken by the New Zealand Government to enable Māori self-determination and tino rangatiratanga – such as the establishment of an independent Māori Health Authority.

We urge the Government to ensure this approach extends across all agencies, including in: justice, child protection, education, natural resource management, and in climate change and Covid-19 responses.

We acknowledge the importance of constitutional recognition of self-determination, as noted in the draft study, and believe that this is an area where further action is needed in Aotearoa. We support calls for continued constitutional discussions², and commend the work of Matike Mai Aotearoa, which provides a valuable basis for these discussions.³

We welcome the EMRIP's recommendation to States to develop national action plans, and that these must be firmly grounded in the right to self-determination.⁴

¹ A/HRC/EMRIP/2021/2, at para 38, 39.

² As recommended by UN human rights bodies, for example: UN Committee for the Elimination of Racial Discrimination, (2017), *Concluding Observations: New Zealand*, CERD/C/NZL/CO/21-22, at para 13(a). UN Committee on Economic, Social and Cultural Rights, (2018), *Concluding Observations on the fourth periodic report of New Zealand*, E/C.12/NZL/CO/4, at para 9(a).

³ As noted in the EMRIP's Advisory Note to New Zealand (2019), at para 17.

⁴ A/HRC/EMRIP/2021/2, at para 72.

At the time of writing this statement, we still await the announcement of government decisions on next steps towards developing a national action plan.

We are hopeful that the recommendations of the working group report [*He Puapua*](#) will be accepted and progressed promptly – following a series of delays since the report's completion in 2019.⁵ That report has a strong focus on the right to self-determination and tino rangatiratanga. We now look forward to momentum on the action plan resuming, and to the New Zealand Government's continued commitment to developing a national action plan that fully reflects and upholds self-determination in both its process and outcomes.

Thank you Madam/Mr Chair. Tēnā rā tātou katoa.

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⁵ *He Puapua: Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa New Zealand*, (2019), accessible at:
<https://www.tpk.govt.nz/en/whakamahia/un-declaration-on-the-rights-of-indigenous-peoples>.