17TH SESSION OF THE EXPERT MECHANISM FOR THE RIGHTS OF INDIGENOUS PEOPLES

Ms Kim Hamilton (Ngati Kahungunu, Nga Rauru, Ngati Raukawa) on behalf of Pou Tikanga, National Iwi Chairs Forum – Aotearoa/New Zealand

## Monday 8 July 11am-1pm. Item 3: Study on Constitutions, laws, legislation, policies, judicial decisions, and other mechanisms through which States have taken measures to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples, in accordance with Article 38 of the Declaration.

**Tena koutou katoa e nga rangatira,  Warm greetings and congratulations to the Chair, vice chairs and the honourable members of the EMRIP, the UN and all the indigenous leaders here today.  On behalf of the National Iwi Chairs Forum, thank you for the opportunity to provide a statement and recommendations.  I thank EMRIP for the chance to be part of this study in Costa Rica last year and to represent a voice for our people and Indigenous rights defenders. We congratulate and commend the EMRIP on a comprehensive, critically important and useful study on Article 38.**

I stand as a mokopuna descendent of Ngati Kahungunu, Nga Rauru and Ngati Raukawa. In Aotearoa, we speak of the Trilogy; in 1835 our tipuna signed He Whakaputanga o te Rangatiratanga o Nu Tireni (known in English as the Declaration of Independence of the United Tribes of New Zealand). In 1840, largely due to lawless colonial settlers arriving, we entered into Te Tiriti o Waitangi with Queen Victoria of England, and we have, of course, UNDRIP. Last year, when we attended EMRIP, we were frustrated at the stalling but hopeful that we were making progress with the New Zealand Government on the enshrinement of UNDRIP in our constitution through a National Plan of Action.

Our Aotearoa Independent Monitoring Mechanism report for 2024 references the devastating impact of the election of a right-wing coalition government formed in November 2023. Aotearoa, alongside other nations, has sometimes been seen to be a leader in working with states to realise Indigenous rights contained in UNDRIP. In less than twelve months , our rights have been regressed by moe than forty years.

The New Zealand government’s policy and legislative agenda are intentionally and overtly racist and hostile to Māori, attacking Māori rights, and as a direct result, our whānau or families are reporting increased white supremacist aggression and harm.  Right-wing, white supremacy lobby groups are emboldened and growing in number and influence, enabled by NZ government agendas that serve the profit of the few over care for people and or lands. The attacks on our rights from this government seek to undo Te Tiriti, Te Reo, our language, our land rights, water rights, our health, development rights and our future as indigenous peoples in Aotearoa.

Thousands of our people across the country are mobilised and engaged in legal action, hui or tribal gatherings and national protests. There are too many government attacks on our collective rights to list in this intervention but we hope to share more about these and our strategies in our side event later this week. We commend our 2024 Monitoring report to EMRIP as one way to raise awareness and build support for tangata whenua rights and solidarity with other indigenous peoples.

We ask that the EMRIP recommend that the government reverse its current position on the Declaration and resume work in partnership with Māori to develop a robust and ambitious Declaration plan to advance constitutional protections. We also ask that the EMRIP urgently conduct a country engagement follow-up in Aotearoa/New Zealand. Ka whawhai tonu matou ake ake ake. Tihei Mauri ora.