

Position Paper for the General Assembly Third Committee

The issues before the General Assembly Third Committee are: Combating Human Trafficking; Development and the Rights of Indigenous Peoples; and Transnational Organized Crime. Being a country of great cultural diversities and constantly striving for national and international innovations, New Zealand is looking forward to reinforce cooperation on combating international organized crime and enhancing the rights of indigenous peoples.

I. Combating Human Trafficking

New Zealand is deeply concerned about the victims of trafficking in human beings (THB), considering this as one of the most serious crimes against humanity. Despite being a minor destination country, New Zealand remains disturbed by the dimension of people trafficking in the neighboring Asia-Pacific region.

Since 2002, New Zealand embodies a leading role in the regional cooperation on combating THB due to its participation in the Bali Process, in which it coordinates the activities on policy and legal frameworks cooperation and is a member of the Steering Group. New Zealand has the oldest anti-THB legislation in the region, including the prohibition of all acts of THB in accordance with international standards implemented in the Crimes Act of 1961 and its amendment of 1995. In 2009, a *National Plan of Action* (NPA) to prevent THB was developed. Internationally, THB is defined by A/RES/55/25 (2000) as the act of recruiting, transferring, and harboring human beings through the use of force to exploit them. The *United Nations Convention against Transnational Organized Crime* (UNTOC) was created through the work of A/RES/53/111 (1998), A/RES/54/126 (1999), A/RES/54/129 (1999) and A/RES/55/25 (2000). New Zealand ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, one of the three protocols annexed to the UNTOC. Within the United Nations (UN) network the UN Initiative to Fight Human Trafficking (UN-GIFT) coordinates the efforts of all stakeholders, including civil society. The *Toolkit to Combat Trafficking in Persons* by the UN Office on Drugs and Crime (UNODC) provides comprehensive guidelines for action programs. The mandate of the UN Special Rapporteur on Trafficking in Persons, especially in Women and Children, was renewed by HRC/RES/17/1 (2011).

Member states are to enhance their international and regional cooperation on better reaction mechanisms to THB, which shall include better cooperation in the fields of outlining THB trends and the optimization of investigation activities. Thus, New Zealand seeks to hold an international *Conference on Regional Anti-Trafficking Cooperation (UNCRATC)* uniting experts from regional initiatives, such as the Bali Process, and special representatives from member states concerned with the topic, meeting in May 2013. The conference aims at sharing intelligence, enforcing regional cooperation, especially in the field of customs and police. New Zealand is willing to collaborate on the conference with UNODC and UN-GIFT. Border and regulatory agencies are the main actors concerning anti-THB and need enhanced qualifications in this matter. Approaching this issue efficiently on an international level remains difficult, for anti-THB challenges are largely region-dependent. Thus, New Zealand underlines the importance of regional cooperation and seeks to approach the issue of personnel qualification especially in the Asia-Pacific region. As the Bali Process provides an appropriate framework, New Zealand suggests the members of the Process to initiate a Workshop on regional training of state personnel during the next ministerial meeting. The Workshop, attended by UNODC experts, representatives of the members of the Bali Process Steering Group and all interested members of the Bali Process, shall develop a scope for the trainings in the Asia-Pacific, raise funding among the members, and recruit qualified trainers. Essential training material can be found in the toolkits and manuals of UNODC and UN-GIFT. Once initiated, all members of the Bali Process are invited to send representatives from state agencies, so that they can multiply the knowledge in their countries afterwards.

II. Development and the Rights of Indigenous Peoples

According to UN statistics indigenous peoples account for about 6 % of the world's population. New Zealand is among the countries to have contributed the most to the improvement of their situation, as they often lack integration. Despite the huge progress made in recent years, there are still problems concerning the legal protection of their rights, the public awareness on the matter, and an effective evaluation of the current structures.

The New Zealand Human Rights Commission and the Ministry for Māori Development are engaged with combating racism and promoting cultural diversity in intensified cooperation with UN structures. The *Universal Declaration of Human Rights* (UDHR), A/RES/3/217 (1948), stimulated the struggle for the rights of indigenous peoples (RIP). In addition, New Zealand supports the Declaration on the RIP (UNDRIP) A/RES/61/295 (2007), supplemented by the Expert Mechanism on the RIP (EMRIP), adopted by A/HRC/RES/6/36 (2007). EMRIP aims at facilitating the work of the Human Rights Council (UNHRC) by providing studies and research related to the topic. Furthermore, the Working Group on Indigenous Populations (WGIP), established pursuant to E/RES/1982/34 (1982) and the UN Permanent Forum on Indigenous Issues (UNPFII), created through resolution E/RES/2000/22 (2000) to support the Economic and Social Council (ECOSOC). On request of the UNHRC the General Assembly adopted A/HRC/RES/15/14 (2010), confirming the mandate of the Special Rapporteur on the RIP.

To improve the situation of indigenous peoples New Zealand recommends focusing on promotion, prevention and protection measures, which can be united to a *3-P Strategy*. To protect the integrity of indigenous peoples, New Zealand encourages UN member states to adopt or enhance national programs designated to support the unique status and protection of citizenship of indigenous peoples. A tool to achieve an all-encompassing protection is a best practices pool in form of a RIP manual, which shall be written by EMRIP, including guidelines for the successful integration of indigenous peoples. Additionally, EMRIP is encouraged to launch an interactive internet platform, where recent strategies in the advancement of the RIP can be shared. Access will be granted to the UN member states and the manual shall be updated annually according to the recent tendencies gathered inter alia by the platform. Both tools are within the range of the UNHRC, which is supposed to allocate the necessary resources for the implementation. The second integral point of the *3-P Strategy* outlines the means for promoting the rights and development capabilities of indigenous peoples through awareness-raising initiatives. A UN Goodwill Ambassador, assigned by the Secretary-General, will be encouraged to promote RIP. Given the variety of existing domestic policies on RIP, New Zealand draws attention to the unequal level of their implementation progress and efficiency. The third element of the *3-P Strategy* is thus related to an increased information exchange on preventive measures and best practices. New Zealand considers the establishment of an *UN High Level Conference on Indigenous Peoples' Policies* (UNCIPP) concerning the prevention of violations and threats to RIP. The inaugural conference shall take place in the UN headquarters in New York, in May 2013 before the annual meeting of the UNPFII. All member states with indigenous populations and the experts of the UNPFII shall participate. The Secretariat is asked to organize the conference and its follow-up conferences every three years.

III. Transnational Organized Crime

Transnational Organized Crime (TOC) is a major threat to the development of societies worldwide. International criminal networks comprise a wide range of illegal markets, such as trafficking in drugs and money laundering. New Zealand is fully committed to the enforcement of international cooperation on this issue, as it is located in the TOC-vulnerable area of the Pacific Islands region.

New Zealand's in-state organ responsible for policies on combating TOC is the *Organised and Financial Crime Agency* (OFCANZ), cooperating with the law enforcement, border and regulatory agencies, financial authorities, and the private sector. In 2004, New Zealand developed a NPA on illegal, unregulated and unreported fishing (IUUF), which comprises measures targeted to flag, coastal and port states. The UNTOC and its three supplementing provisions: the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, the *Protocol against the Smuggling of Migrants by Land, Sea and Air* both outlined in *A/RES/55/25* (2000), and the *Protocol Against the Illicit Manufacturing of and Trafficking of Firearms, their Parts and Components, and Ammunition* presented in *A/RES/55/255* (2001), have reached a high level of acceptance. Additionally, combating TOC is supported by *A/RES/56/120* (2002), *A/RES/53/111* (1998), *A/RES/49/159* (1994), *A/RES/44/71* (1989), and the UN Crime Congress (UNCC), established by *A/RES/5/415* (1955). Money laundering is addressed with great diligence by the solid internet-based network *International Money Laundering Information Network* (IMoLIN). The UN Commission on Narcotic Drugs (UNCND) was set up by *E/RES/1/9* (1946) as a functional commission to the ECOSOC. The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was created by *E/CONF.82/15* (1988). Following the mandate of *E/CONF.82/14* (1988) UNODC launched the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism (GPML).

The growing incidence of IUUF presents substantial losses in the fishing industry. New Zealand seeks to combat illegal harvesting and sale of seafood in the Pacific Islands region and considers NPAs on a regional level as an appropriate tool. Following the example of the New Zealand NPA, the Pacific States are invited to develop strategies encompassing ideas on effective legislation, imposing state control over citizens possibly engaged in IUUF, and the maintenance of records of all vessels in national registers. Moreover, surveillance needs to be ensured, for example by fishing permits. New Zealand is prepared to provide information and experts to any state seeking support. Drug trafficking is considered as an issue of great significance and New Zealand recommends to the UNCND to review the 25-year-old UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic. Recently evolved factors such as globalization and trade liberalization, drugs selling over the internet and new sorts of synthetic drugs need to be included in the reviewed version. New Zealand thus asks the UNCND to prepare the draft review until the respective General Assembly meeting in 2013. The emergence of web-based payment systems led to a new form of cybercrime, challenging global anti-money laundering policy. New Zealand sees the need for enhanced trainings for government officials to ensure an effective response to this evolving challenge. Trainings on combating internet-based money laundering shall be organized on national level and comprise practical exercises concerning awareness raising, the newest technology trends and techniques for tracing web-based money laundering.