<table>
<thead>
<tr>
<th>Panelist</th>
<th>Dr. Margaret Mutu</th>
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<td>Panel</td>
<td>Panel 3: Monitoring by Indigenous Peoples</td>
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<td>Time</td>
<td>14.00 – 15.30</td>
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<td>Date</td>
<td>Thursday 23 February 2023</td>
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| Location  | *(Remote via Zoom)*  
|           | Robert H. Lee Alumni Centre  
|           | University of British Columbia  
|           | 6163 University Blvd  
|           | Vancouver, BC |
Aotearoa Independent Monitoring Mechanism for the Implementation of the Declaration

PRESENTED BY PROF MARGARET MUTU
Monitoring Mechanism

- Established 2014 to monitor NZ government’s compliance with the UN Declaration on the Rights of Indigenous Peoples – supported by Human Rights Commission – annual reports 2015 – 2022
- Reports to National Iwi Chairs Forum (NICF) and to UN EMRIP
Purpose

- promote, protect and monitor the implementation of the Declaration
- hold government to account
- work in partnership
- realisation of the rights and responsibilities agreed in He Whakaputanga and Te Tiriti o Waitangi.
Mandate

- National Iwi Chairs Forum
- Appoints the governance body
- Receives the report
- Reports back to their communities

http://iwichairs.maori.nz/
Structure

- Governance Forum
  - Diverse membership
  - Indigenous rights experts
  - Determine scope and priorities for the monitoring report
  - Direct the technical team
  - Members accountable to their iwi and organisation
Structure

- Technical team
  - Produces the report
- Reports to the Governance Forum
- Voluntary work
- Academics, human rights advocates
Establishment and first reports

- 2015 – notifies its establishment and intention to report – invites government to contribute
- 2016 – reports on NZ non-compliance in respect of treaty claims settlements, TPPA and local government; recommends a National Plan for implementation of UNDRIP & sets out principles
- 2017 – Sets out priorities for a National Plan
2017 – our key priorities for a National Plan of Action

- Constitutional transformation

- Self-determination – decision-making, free prior and informed consent – child protection, local government

- Lands, territories and resources – treaty claims settlements extremely problematic; fiduciary duties; climate change

- Cultural rights – language – very small improvements; tikanga (law) still marginalised

- Equality and non-discrimination – poorer outcomes in health, education, justice, employment, housing and income; high incarceration; poverty especially children

- Practical implementation and technical assistance
2018-2022 – reported progress on 2017 priorities

- **Constitutional transformation** – need engagement
- **Self-determination** – need engagement – Office of Māori-Crown Relationships positive step; free prior and informed consent still extremely problematic
- **Lands, territories and resources** – climate crisis (Zero Carbon Bill); extractive industries, ownership of water and treaty claims settlements all still extremely problematic;
- **Cultural rights** – need support for language and to address racism and discrimination against Māori and our language
- **Equality and non-discrimination** – need public education on racism, discrimination, Te Tiriti, indigenous and human rights especially of Māori disabled and Māori women;
- **Practical implementation** – National Plan of Action started but then stalled in 2022
Evolution over time

- Monitoring reports provided each year to EMRIP and to NICF
- Providing shadow reports to UN treaty bodies (including: UN Human Rights Committee (2016); Committee on Economic, Cultural and Social Rights (2017), Committee on Discrimination Against Women (2018), Universal Periodic Review (2018))
- Holding workshops with Iwi and community groups to inform reports
- Engaging in EMRIP annual sessions
- Requesting and hosting an EMRIP country visit
- Increasing engagement with government, financial support, developing partnership ways of working
- Seeing some examples of the Monitoring Mechanism’s work and international reporting prompting government action
Challenges

- Overcoming government resistance
- Recruiting useful partners/associates (planned engagement)
- Funding, skills, resources
- Bridging the local, national international divide
- Finding the appropriate UN body to receive our reports
Our inspiration

JUST DO IT
Improving what we do

- What processes and procedures can EMRIP establish to make it easy for monitoring reports to be received by EMRIP?
- What might the reports contain to enable EMRIP to respond in a manner that is useful for the promotion and protection of indigenous rights?
- How can these reports engage other UN bodies?
- What might be the role of States (and other groups such as Human Rights Commissions) in the development of monitoring reports?
- How can the independence of the Mechanism be maintained?