

United Nations Permanent Forum on Indigenous Issues (UNPFII)

Regional dialogue – The Pacific

12 and 14 January 2021

9:00 a.m. – 11:00 am (Australian Western Standard Time)

2:00pm – 4:00pm (NZ Time)

Thursday January 14:

- **Self-determination and self-governance**

Guiding Questions – and responses of Professor Margaret Mutu, Aotearoa Independent

Monitoring Mechanism and National Iwi Chairs Forum

1. What are the priority issues affecting Māori peoples?

The following priorities have been confirmed by National Iwi Chairs Forum and included in the last four annual reports to the United Nations Expert Mechanism on the Rights of Indigenous Peoples:

- A. An overarching priority of Constitutional Transformation
- B. Self-determination, underpinned by participation in decision-making and free, prior and informed consent
- C. Lands, Territories and Resources – with a special focus on climate change/climate crisis
- D. Cultural Rights
- E. Equality and Non-discrimination – with a focus on child poverty
- F. Practical implementation of the Declaration and Technical Assistance.

2. What are the key causes of these issues?

- Despite having endorsed UNDRIP, New Zealand continues to adhere to the Doctrine of Discovery and its imposition of British colonisation on Māori rather than the UNDRIP and the treaty agreed between Māori and the British Crown in 1840. As a result, it lacks the political will to address white supremacy and racism and greatly fears having to share with Māori the power, privilege and prosperity currently enjoyed by whites despite the outstanding benefits achieved for New Zealand as Māori exercised our self-determination and initiated the very swift response to the COVID-19 pandemic that the government successfully adopted and adapted to apply to the whole country.

- New Zealand continues to assert that it adheres to both the treaty and to UNDRIP when all evidence and its own statistics indicate the contrary – i.e. the key cause of the many issues that negatively impact Māori is New Zealand's on-going refusal to take seriously its responsibilities to uphold Māori and treaty rights.

3. What urgent action is needed to help resolve these issues?

- In 2016, Matike Mai Aotearoa – the Independent Working Group on Constitutional Transformation issued its report recommending constitutional transformation after undertaking extensive consultation over five years. Māori communities and many non-Māori communities have strongly supported the report's recommendations on the models and steps to be taken to achieve more inclusive and just constitutional arrangements for the country. The government is familiar with the report but has avoided discussing it. The government needs to take the advice of UN Treaty bodies to discuss the report with Māori as a matter of urgency.
- In 2019, the government agreed to work with the Aotearoa Independent Monitoring Mechanism and National Iwi Chairs Forum to draw up a national plan of action to implement the UN Declaration on the Rights of Indigenous Peoples. A ministerial working party completed a report in November 2019. Government has refused to release the report although the executive summary was released in November 2020 following intervention by the Ombudsman. Urgent action is needed to release the full report and for consultation on it to be undertaken with Māori so that there is more rapid progress with the National Plan of Action to implement the Declaration.
- The New Zealand Human Rights Commission has been requesting that the government appoint an Indigenous Rights Commissioner for some time now and this needs progressing urgently.

- The Commission has also been urging the government to develop and implement a National Plan of Action for the elimination of racism. This also needs progressing urgently.

4. What concrete and specific recommendations would you propose?

- (i) That the UNPFII urge the New Zealand government join with Māori in the national conversation that has developed from the 2016 Matike Mai Aotearoa report on constitutional transformation.**
- (ii) That the UNPFII urge the New Zealand government to take urgent action to progress and implement the National Plan of Action to implement the United Nations Declaration on the Rights of Indigenous Peoples.**
- (iii) That the UNPFII urge the New Zealand government to appoint an Indigenous Rights Commissioner as a matter of urgency.**
- (iv) That the UNPFII urge the New Zealand government to develop and implement a National Plan of Action to eliminate racism as a matter of urgency.**
- (v) That the UNPFII consider including decolonisation/constitutional transformation as a theme for its upcoming session.**