

Intervention

Aotearoa Independent Monitoring Mechanism

Agenda item 8: UN Declaration on the Rights of Indigenous Peoples

Delivered by Tracey Whare

Madame/Mr Chair, thank you for giving me the floor.

I am pleased to advise the EMRIP that the Aotearoa Iwi Monitoring Mechanism has completed its fifth annual report monitoring the implementation of the UN Declaration on the Rights of Indigenous Peoples by the New Zealand government. Our report is available in digital and hard copy.

The country mission recently completed by the EMRIP in April along with our own community engagement has informed our report. One of the key and consistent messages that has been raised is the strong call for constitutional transformation, that current systems don't work, what Māori want and need is to be able to exercise our own authority, self-determination, lead our own solutions and maintain and revitalise our own systems without impediment. This could be achieved by having a Tiriti/Treaty based constitutional foundation and would also provide for the concrete implementation of the UN Declaration on the Rights of Indigenous Peoples with Aotearoa/New Zealand.

Our annual report contains 10 recommendations, of which I will highlight two.

First, land, territories and resources. Processes for dealing with land issues and Tiriti breaches are inadequate. The central failing is that such processes did not lead to land being returned to Māori with one iwi who have obtained Waitangi Tribunal recommendations for the return of their land, still waiting 35 years for the land to be returned. What is required is an overhaul of the treaty claims and settlement processes to better provide for the return of land and a strengthening of the powers of the Waitangi Tribunal to issue binding recommendations requiring government response and action on such recommendations.

Second, in May, the state agency responsible for the care and protection of children attempted to enforce a court order to remove a new born Māori baby from his mother in hospital. The incident caused wide concern and has highlighted the high rate of state removal of Māori babies; and lack of compliance with obligations to ensure that family (whānau) are at the centre of decisions. The Children's Commissioner and the Ombudsman have announced separate inquiries into state policies and practices in relation to child removal and Māori have also initiated their own inquiry. Fundamental changes to the current system are long overdue. Our report recommends a halt to the removal of Māori children from Māori whānau, hapū and iwi; meaningful Tiriti partnership that upholds self-determination and the exercise of Māori authority for the wellbeing of Māori children; iwi and Māori involvement in co-designing legislation, policy and in reviewing the current system and, that any state child protection system meets Tiriti, Declaration and human rights obligations.

Thank you Mr/Madam Chair.