**How to apply:**

The entire application process consists of two parts: **1. online survey** and **2. application form in Word format**. Both parts and all sections of the application form need to be completed and received by the Secretariat before the expiration of the deadline.

**First part:** **Online survey** (<http://ohchr-survey.unog.ch/index.php/397559?lang=en>) is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity.

**Second part:** **Application form in Word** can be downloaded from <http://www.ohchr.org/EN/HRBodies/SP/Pages/HRC34.aspx> by clicking on the mandate. It should be fully completed and saved in Word format and then submitted as an attachment by email. Information provided in this form includes a motivation letter of maximum 600 words. The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for each vacancy and will also be posted as received on the OHCHR public website.

Once fully completed (including Section VII), the application form in Word should be submitted to [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) (by email). A maximum of up to three reference letters (optional) can be attached in Word or pdf format to the email prior to the expiration of the deadline. For EMRIP candidates, preferably one of the three letters should be from an organization or entity representing indigenous peoples. No additional documents, such as CVs, resumes, or supplementary reference letters beyond the first three received will be accepted.

* **Application deadline: 16 NOVEMBER 2016 (12 noon GREENWICH MEAN TIME / gMT)**
* **No incomplete or late applications will be accepted.**
* **Shortlisted candidates will be interviewed at a later stage.**

General description of the selection process is available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Nominations.aspx>

In case of technical difficulties, or if encountering problems with accessing or completing the forms, you may contact the Secretariat by email at [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org) or fax at + 41 22 917 9008.

**You will receive an acknowledgment email when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by email.**

**Thank you for your interest in the work of the Human Rights Council.**

**I. PERSONAL DATA**

|  |  |
| --- | --- |
| **1. Family name:** Whare | **6. Year of birth:** 1972 |
| **2. First name:** Tracey | **7. Place of birth:** Lower Hutt, New Zealand |
| **3. Maiden name (if any):** Not applicable | **8. Nationality (please indicate the nationality that will appear on the public list of candidates):** New Zealander |
| **4. Middle name:** Te Aroha | **9. Any other nationality:** No |
| **5. Sex:** Female | **10. Indigenous origin:** Māori |
| **11. Please indicate for which sociocultural region you are applying (please tick a box):** | **Arctic NO**  **Asia NO**  **North America NO**  **Pacific YES** |

***You should include in the motivation letter in Section III. why you are applying for the specific sociocultural region.***

**II. MANDATE - SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE**

**NOTE: Please describe why the candidate’s competence / qualifications / knowledge is relevant in relation to the specific mandate:**

1. **QUALIFICATIONS** (200 words)

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

I have a law degree (LLB) from Victoria University of Wellington and am currently completing my Masters of Law at the University of Auckland. My research topic is indigenous peoples right to participate in UN fora.

Alongside my current study, I work part-time as a researcher focusing on indigenous peoples’ rights as they pertain to national issues such as the Treaty of Waitangi settlement process and the extractive industry.

Prior to my current study, I worked as the Secretariat of the Indigenous global coordinating group for the UN World Conference on Indigenous Peoples facilitating indigenous participation in the process, providing policy and legal advice and carrying out advocacy.

I have also represented Māori individuals and collectives within New Zealand’s legal system in a range of areas including indigenous land rights, natural resource management, claims before the Waitangi Tribunal and family and criminal matters.

I am a trustee of the Aotearoa Indigenous Rights Trust which carries out advocacy work on indigenous peoples’ rights in UN fora and I am a technical adviser to the monitoring mechanism of the national iwi chairs forum, an independent working group established to monitor NZ government's implementation of the Declaration on the Rights of Indigenous Peoples.

1. **RELEVANT EXPERTISE** (200 words)

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations’ work in the area of human rights. (Please state how this was acquired.)**

**Proven work experience in the field of human rights. (Please state years of experience.)**

Upon graduating from Victoria University of Wellington, I practiced law with a particular focus on Māori rights particularly in the areas of land and the environment. In 1998 I was an indigenous fellow in the UN Office of the High Commissioner for Human Rights. My experience of being an indigenous fellow provided hands on experience of UN processes, including human rights fora such as the Treaty monitoring bodies as well as those meetings that focused on indigenous peoples’ rights. At that time this included the working group on indigenous populations and the working group on the draft declaration on the rights of indigenous Peoples.

Since then, I have continued to engage in UN processes that focus on indigenous peoples’ rights. I have regularly attended EMRIP sessions as well as the Permanent Forum on Indigenous Issues in order to contribute to the development of standards to realise indigenous peoples’ rights, written shadow reports when NZ is appearing before CERD and the Human Rights Committee and attended sessions of both bodies in order to brief the experts on particular priorities and issues relating to Māori rights. As a result of my work experience, I have 18 years of experience working in the area of indigenous peoples’ rights.

1. **ESTABLISHED** **COMPETENCE** (200 words)

**Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

My competence in the area of human rights and more specifically indigenous peoples’ rights has come about as a result of my work as a lawyer. At the national level, I have advocated for Māori individuals and collectives on a wide range of issues such as lands and resources, historical land claims and family and criminal matters.

Coupled with that I have also sought to highlight urgent Māori issues in international fora by delivering oral statements, engaging in bilateral discussions with states, working with other indigenous peoples to formulate collective positions and disseminating information to Māori on international developments.

As a technical adviser to the monitoring mechanism of the iwi chairs forum, I work collaboratively with others to produce an annual report which focuses on the NZ governments implementation of the UN Declaration on the Rights of Indigenous Peoples, prepare and deliver oral statements at EMRIP sessions where the annual report is also tabled and prepare communications out to Māori about the work undertaken by the monitoring mechanism.

My competency in this area is largely a result of hands on experience. I have however in the last two years taken some time to up skill myself at the post graduate level by taking classes and carrying out research on indigenous peoples rights at the University of Auckland.

1. **PUBLICATIONS OR PUBLIC STATEMENTS**

**Please listsignificant and relevant published books, articles, journals and reports that you have written or public statements, or pronouncements that you have made or events that you may have participated in relation to the mandate.**

* 1. **Enter three publications in relation to the mandate for which you are applying in the order of relevance:**

**1. Title of publication:** “Recent developments at the UN - the high level plenary session of the General Assembly to be known as the World Conference on Indigenous Peoples” in A Erueti (ed) The UN Declaration on Rights of Indigenous Peoples: Implementation in Aotearoa: New Zealand

**Journal/Publisher:** Victoria University Press, Wellington

**Date of publication:** 2017

**Web link, if available:**

**2. Title of publication:** “Customary Law and Human Rights in the Pacific ‑ potential for convergence or inevitable conflict?”

**Journal/Publisher:** New Zealand Yearbook of International Law

**Date of publication:** December 2016

**Web link, if available:**

**3. Title of publication:** Updates on the World Conference on Indigenous Peoples in IWGIA’s annual yearbook, The Indigenous World

**Journal/Publisher:** IWGIA, Copenhagen

**Date of publication:** 2012 - 2015

**Web link, if available:** <http://www.iwgia.org/publications/series/yearbook-the-indigenous-world>

**If more than three publications, kindly summarize** (200 words):

* 1. **Enter three public statements or pronouncements made or events that you may have participated in relation to the mandate for which you are applying in the order of relevance:**

**1. Platform/occasion/event on which public statement/pronouncement made:**

**Event organizer:** UNOffice of the High Commissioner for Human Rights

**Date on which public statement/pronouncement made:** 4 - 5 April 2016

**Web link, if available:** <http://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/MandateReview/TraceyWhare.pdf>

**2. Platform/occasion/event on which public statement/pronouncement made:**

**Event organizer:** UN Office of the High Commissioner for Human Rights

**Date on which public statement/pronouncement made:** 11 - 15 July 2016

**Web link, if available:** <http://cendoc.docip.org/collect/cendocdo/index/assoc/HASH01af/e2d1afc3.dir/EM16Whare127.pdf>

**3. Platform/occasion/event on which public statement/pronouncement made:**

**Event organizer:** UN Office of the High Commissioner for Human Rights

**Date on which public statement/pronouncement made:** 20 - 24 July 2015

**Web link, if available:** <http://cendoc.docip.org/collect/cendocdo/index/assoc/HASHdd1b/6b68c752.dir/EM15tracey179.pdf>

**If more than three, kindly summarize** (200 words):

Oral statements have also been tabled at other sessions of EMRIP, all of which can be found here <http://cendoc.docip.org/cgi-bin/library.cgi?e=d-00100-00---off-0cendocdo--00-2----0-10-0---0---0direct-10--TY--4-------0-1l--10-en-50---20-about---00-3-1-00-10--4--0--0-0-01-10-0utfZz-8-00&a=d&c=cendocdo&cl=CL3.2.11.11>

1. **flexibility/readiness and AVAILABILITY of time** (200 words)

**to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. (Indicate whether candidate can dedicate an estimated total of approx. three months per year to the work of a mandate.)**

If I am successful in this application, I will commit to setting aside sufficient time to carry out the mandate’s work. Currently I am a full time student, I will complete my studies in April 2017. Following that I plan to be in full-time employment. I will ensure that whatever paid employment I undertake that I can also fulfil my role as a mandate holder.

I have traveled extensively internationally and understand that this role will require travel to Geneva and/or other places where the EMRIP members will hold their intersessional meetings and their expert workshops. I am willing to carry out such travel as required. Coupled with that, I am prepared to carry out research and draft documents in order to fulfil the work of EMRIP as well as engage with a variety of stakeholders including indigenous representatives, states and others. I understand that this role requires flexibility as to when the work is to be carried out, I will organise my schedule in order to fulfil my responsibilities as a mandate holder. I also understand that regular online meetings may be required with the other EMRIP members and the Secretariat and I will make myself available for such meetings.

**III. Motivation Letter, INcLUDING WHY YOU ARE APPLYING FOR THE SPECIFIC INDIGENOUS SOCIOCULTURAL REGION(S).** (600 word limit)

I am applying for the position of mandate holder because I believe I have the requisite skills and experience to fulfil the role. I have participated in the indigenous fellowship program that is coordinated by the UN Office of the High Commissioner for Human Rights. That training opportunity provided an excellent basis upon which to continue my learning and which has led me to my current work as an indigenous advocate.

I am very familiar with the work of EMRIP having attended the majority of its sessions and participated in its studies and expert workshops. I also presented a paper as an expert during the recent workshop organised by the OHCHR to review the EMRIP mandate held in April 2016 and I participated along with other indigenous representatives in the drafting of the Human Rights Council resolution to strengthen EMRIP’s mandate in September 2016. As such I have an excellent working knowledge of EMRIP’s prior mandate, its ways of working and the people who engage in its work. I would therefore welcome the opportunity to positively contribute to the new mandate and support the work of EMRIP.

I am applying for the Pacific position because I am from the Pacific and it is the region that I know best. I live in Aotearoa/New Zealand in my tribal community and am actively involved in local environmental concerns. This has involved me working closely with my tribal nation Raukawa regarding proposed and existing resource use by third parties in order to ensure our rights and priorities as indigenous peoples are recognised and maintained. I am also actively involved in national initiatives by Māori to engage more effectively in UN processes with a particular focus on EMRIP as our engagement with EMRIP is seen as an important avenue to raise concerns about how the NZ government is implementing the Declaration on the Rights of Indigenous Peoples. As a result of my experience in international fora over the last 18 years I have also built up a strong network of Pacific indigenous colleagues, many of whom have lent their support to my application by signing as co-signatories to the endorsement letter submitted by Aotearoa Indigenous Rights Trust.

I see this role as requiring me to actively listen to the concerns and views shared by those who participate in EMRIP, particularly indigenous representatives, and working to find solutions to bring about positive results based on the UN Declaration on the Rights of Indigenous Peoples. I believe the new mandate will open up even greater opportunities for positive and concrete results to be realised. I see this can only be accomplished by respectful relationships and believe that my experience to date as well as the networks I have established will positively assist me to carry out this work. Evidence of my ability to work with others can be gleaned from those who have supported my application including a number of Pacific indigenous organisations, the iwi monitoring mechanism, the NZ Human Rights Commission as well as the submission by the NZ government of a Third Person Note to the Consultative Group.

Lastly, I would note that I am currently undertaking research as part of my masters thesis which directly relates to this mandate. My thesis focus is on indigenous peoples’ participation in UN fora. As a result of my studies I have strengthened my research skills as well as read widely on indigenous peoples’ rights. I believe I have a good understanding of current academic views on indigenous peoples’ rights which could assist with any research work that I undertake as part of this role.

**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills below.**

**1. Mother tongue:** English

**2. Knowledge of the official languages of the United Nations:**

**Arabic:** Yes or no: **No**   If yes,

**Read:** Easily orNot easily:        
**Write:** Easily or Not easily:       
**Speak:** Easily or Not easily:

**Chinese:** Yes or no: **No**   If yes,

**Read:** Easily or not easily:        
**Write:** Easily or not easily:       
**Speak:** Easily or not easily:

**English:** Yes or no: **Yes**    If yes,

**Read:** Easily or not easily: Easily        
**Write:** Easily or not easily: Easily       
**Speak:** Easily or not easily: Easily

**French:** Yes or no: **No**    If yes,

**Read:** Easily or not easily:        
**Write:** Easily or not easily:       
**Speak:** Easily or not easily:

**Russian:** Yes or no: **No**    If yes,

**Read:** Easily or not easily:        
**Write:** Easily or not easily:       
**Speak:** Easily or not easily:

**Spanish:** Yes or no: **Yes**    If yes,

**Read:** Easily or not easily: Easily        
**Write:** Easily or not easily: Easily       
**Speak:** Easily or not easily: Easily

**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate’s academic qualifications (university level and higher).**

|  |  |  |
| --- | --- | --- |
| **Name of degree and name of academic institution:** | **Years of attendance**  (provide a range from-to, for example 1999-2003): | **Place and country:** |
| LLM (currently completing) | 2016 | University of Auckland, New Zealand |
| Post Graduate Certificate in Law | 2015 | University of Auckland, New Zealand |
| LLB | 1991 - 1996 | Victoria University of Wellington, New Zealand |
|  |  |  |
|  |  |  |

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held, beginning with the most recent one.**

|  |  |  |
| --- | --- | --- |
| **Name of employer,**  **functional title,**  **main functions of position:** | **Years of work** (provide a range from-to, for example 1999-2005): | **Place and country:** |
| University of Auckland, Research Assistant; legal research on indigenous peoples’ rights. | 2015 to present | Auckland, New Zealand |
| Monitoring Mechanism of the National Iwi Chairs Forum, Adviser; monitoring the implementation of the UN Declaration on the Rights of Indigenous Peoples by the New Zealand government. | 2015 to present | National, New Zealand |
| Indigenous Global Coordinating Group for the World Conference on Indigenous Peoples, Secretariat; advocacy, policy advice, research and logistical coordination. | January 2012 - December 2014 | Global |
| Gibson Sheat, Law Firm, Solicitor; Property law. | April 2005 - January 2008 | Lower Hutt, New Zealand |
| Gawith Burridge, Law Firm, Staff Solicitor; Court litigation. | August 2001 - February 2005 | Masterton, New Zealand |
| Aotearoa Indigenous Rights Trust, Trustee; disseminating information to Māori and engaging in standard setting at UN human rights fora regarding indigenous peoples’ rights. | 2000 - present | National, New Zealand |
| Greater Wellington Regional Council, Policy Advisor (Iwi); policy advice on Council obligations to Māori. | January 1998 - November 2001 | Wellington, New Zealand |
| UN Office of the High Commissioner for Human Rights, Indigenous fellow; day to day running of the Indigenous Peoples Secretariat, networking with other UN Secretariats and research regarding indigenous peoples’ rights. | June 1998 - December 1998 | Geneva, Switzerland |
| Ngai Tahu Māori Law Centre, Legal Adviser; māori land law, resource management and Waitangi Tribunal claims. | December 1996 - December 1997 | Dunedin, New Zealand |

**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS**   
**(of Human Rights Council resolution 5/1)**  
***To be completed by the candidate or by the nominating entity on his/her behalf.***

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause him/her to limit the extent of their inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

No

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate’s ability to act independently in discharging his/her mandate? If yes, please explain:**

No

**3. Is there any reason, currently or in that past, that could call into question the candidate’s moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which she/he discharges his mandate? If yes, please explain:**

No

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1?**

***Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.***

***Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.***

Yes, the candidate complies with paragraphs 44 and 46 of HRC resolution 5/1.

**5. Should the candidate be appointed as a mandate holder, he/she will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

If successful, the candidate will resign from any positions currently held that may give rise to a conflict of interest.

\*\*\*\*