



Item 8: Best practices and strategies for the implementation of the

UNDRIP

Delivered by Acting Permanent Representative Carl Reaich

I would like to thank the Monitoring Mechanism for presenting their report.

As we noted last year when the group submitted its first report, we see such reports as a useful tool for indigenous peoples to engage with EMRIP directly and independently of Government on important issues.

Last year, we welcomed future engagement with the Monitoring Mechanism to discuss some of the concerns raised. We respect their ability to report independently, we note that the offer of engagement remains open.

Although we have not had time to consider the report fully, we would like to take this opportunity to make **initial observations** on some of the issues raised, including around participation in local government, New Zealand's treaty settlement process and the Trans-Pacific Partnership (TPP).

First, we recognise that **local Councils** in New Zealand have engaged with Māori in a range of different ways and to varying degrees.

At the local level, there are many different mechanisms for participation. For example, councils may appoint tribal representatives to committees; establish joint council and Māori planning or advisory committees; provide updates on council projects directly to Māori organisations; deliver services with Māori organisations and interpret submissions to the Council into the Māori language.

The Government will continue to facilitate and support meaningful participation of Māori in local and central government.

Secondly, on **treaty settlements**, the Crown recognises that it is for the claimant group to decide who will represent them in negotiating a settlement with the Crown; whether or not to accept a Treaty settlement; and what entity will receive and manage Treaty settlement redress.

Mandating claimant representatives is one of the most important stages of the Treaty settlement process. Many of the grievances of the past related to agreements made between Māori and the Crown, where the Crown dealt with people who did not have the authority to make agreements on behalf of the affected community. A strong mandate protects all the parties to the settlement process: the Crown, the mandated representatives and the claimant group that is represented.

And finally, on **consultation on the TPP** we would like to make a couple of key observations.

Throughout the negotiation process the Government has been active in engaging with stakeholders on New Zealand's negotiating objectives and the process.

In recent months the Government has conducted extensive nationwide engagement with New Zealand society on TPP, including hui-ā-rohe (regional meetings) with Māori (including claimants before the Waitangi Tribunal) and the forum through which Iwi Leaders coordinate their activities.

As a result of this engagement, many Māori have expressed interest in the potential benefits which they or their organisations see in TPP and have asked for further information from the Government about accessing support to achieve positive outcomes.

We note that all of New Zealand's FTAs since 2001, including TPP, have included the 'Treaty of Waitangi exception'. The exception ensures that successive governments retain flexibility to implement domestic policies that favour Māori without being obliged to offer equivalent treatment to overseas entities. The exception reflects the constitutional significance of the Treaty of Waitangi to New Zealand, and helps ensure that the unique relationship between the Crown and Māori is provided for.

The Waitangi Tribunal conducted an urgent inquiry into certain claims concerning TPP. On 5 May 2016, the Tribunal released its report, finding that there was no breach of the Treaty of Waitangi principles arising from the inclusion of the Treaty of Waitangi exception clause (Article 29.6) in the TPP in its current form and concluded that the exception clause offers a reasonable degree of protection to Māori interests affected by TPP.

Throughout all of these processes, the Government has welcomed constructive engagement with Māori, including with Iwi Leaders. We know that advancing indigenous rights cannot rely simply on political will or resources; it will also rely on continued collaboration and partnership.

To this end, we will continue to strengthen the relationship between the Government and Māori, to ensure that long-term priorities are addressed. We hope that the Monitoring Mechanism will work with us to do so.