

# **New Zealand Permanent Mission to the United Nations**



## **Te Māngai o Aotearoa**

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### **Eleventh session of the United Nations Permanent Forum on Indigenous Issues, 7 - 18 May 2012**

#### **New Zealand's constitutional review process**

**Ms Jane Fletcher**  
**Deputy Director, New Zealand Office of Treaty  
Settlements**

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**As delivered**



Thank you Mr Chair,

We have listened with interest to the discussions over the past days regarding the Doctrine of Discovery and the need for constitutional reform to take into account indigenous peoples.

There has been some discussion on the subject of New Zealand's constitutional review process and given the level of interest, we thought it might be useful to provide some further information.

New Zealand doesn't have a single written constitution but rather its constitutional arrangements are drawn from a variety of sources including the Treaty of Waitangi and various pieces of legislation and constitutional conventions.

New Zealand began a cross-party constitutional review process in 2010 as a part of an electoral arrangement between the Maori Party and the National Party. The process is led by the Deputy Prime Minister, the Hon Bill English and the Minister of Maori Affairs and co-leader of the Maori Party, the Hon Dr Pita Sharples who attended the Permanent Forum in 2010 to announce New Zealand's move to a position of support for the Declaration on the Rights of Indigenous Peoples.

An advisory panel has been established and is due to report to Government in late 2013. Its members are drawn from a cross-section of society and includes a Maori co-chair, Sir Tipene O'Regan. A programme of engagement is being developed which explicitly includes seeking the views of Maori in ways that reflect the partnership model and are responsive to Maori consultation preferences.

The Constitutional Review is wide-ranging. It will include Crown - Maori relationship matters such as Maori representation including the number of Maori seats in Parliament and in local government, Maori electoral participation, the role of the Treaty of Waitangi in our constitutional arrangements and whether New Zealand needs a written constitution. Public consultation guides this Review. As Minister Sharples has said, it is understood that "Maori want to talk about the place of the Treaty of Waitangi in our constitution and how our legal and political

systems can reflect Tikanga Maori” and that these issues require proper consideration.

The advisory panel has indicated that it will welcome views throughout the process about how to reach as many people as possible.

Given the work underway on our constitutional review process, we look forward to the upcoming study by the Permanent Forum on constitutional reform which will focus on Bangladesh, Australia and New Zealand and will look closely at its findings.

Thank you Mr Chair