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# Indigenous Engagement in International Agreements and International Indigenous Collaboration: the New Zealand Context

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# The New Zealand Context

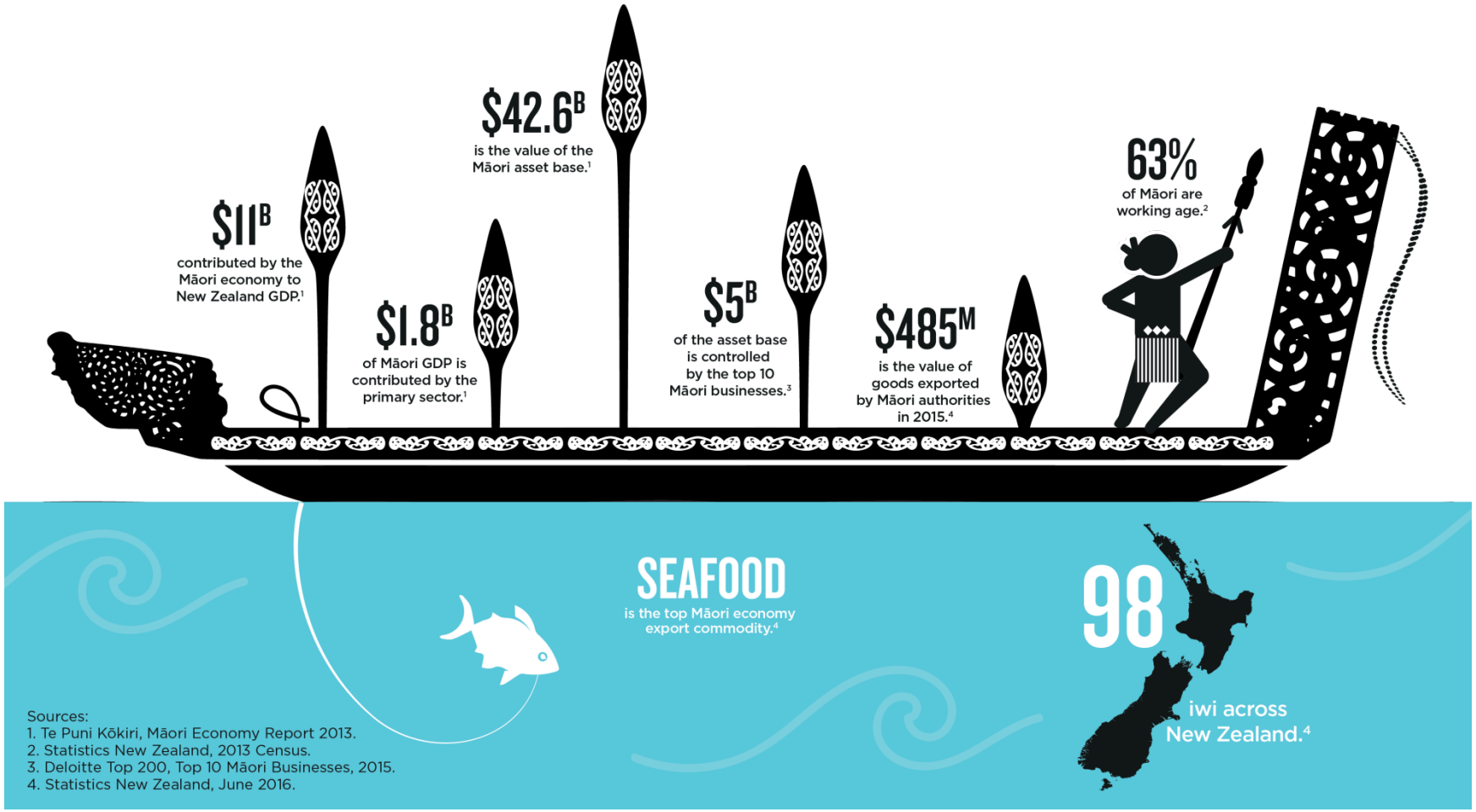
**“The 1840 Treaty of Waitangi is regarded as the founding document of our nation. It gives the Crown the right to govern, to make foreign policy and to represent Māori interests off-shore. In exchange, the Crown is obliged to actively protect Māori rights and interests.”**

*Ko Aotearoa Tēnei – Waitangi Tribunal Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity (WAI262), 2011*

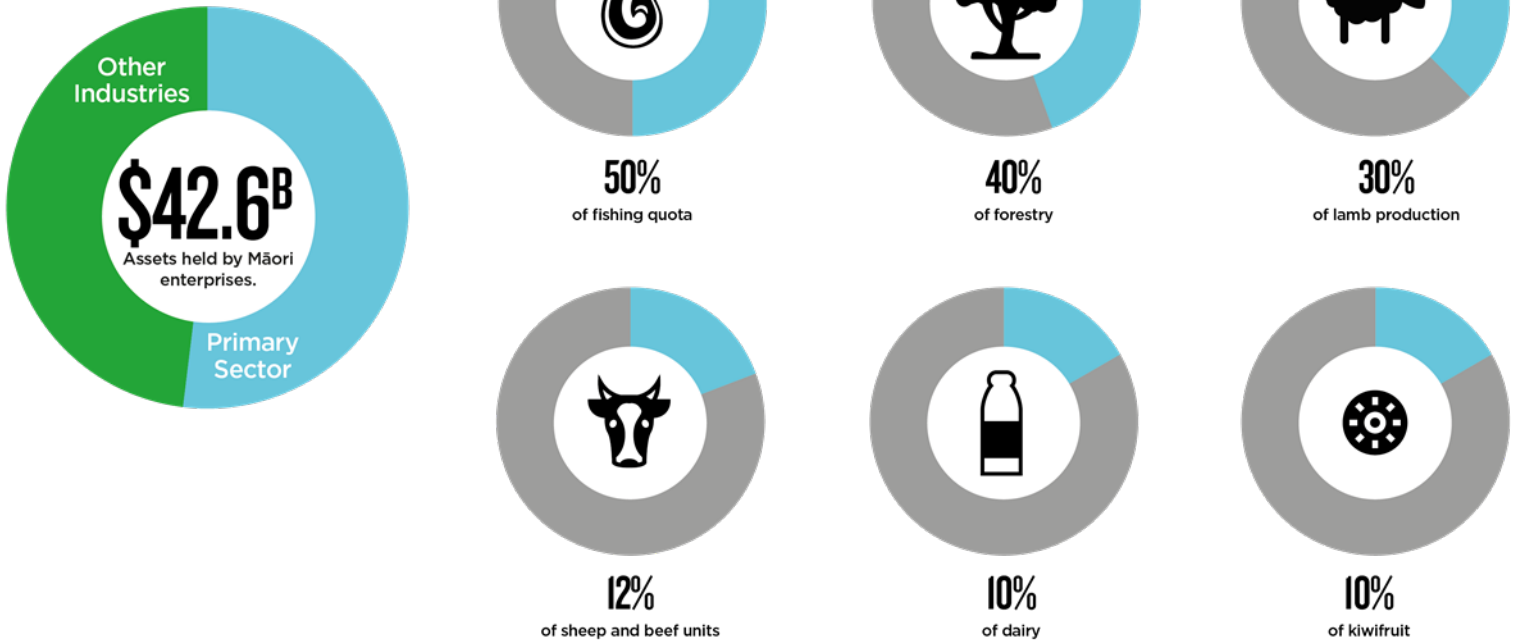
# Strategy for Engagement with Māori on International Treaties (2001)

- Objectives:
  - to identify early any areas of developing international law of relevance to Māori interests and ensure appropriate engagement with Māori
- Level of engagement varies, and at different stages of the treaty-making process
- Six monthly report on international treaties distributed and New Zealand Treaties online
- Review of Strategy underway

# The Māori Economy



# The Māori Economy: Primary Sector




Source: New Zealand Trade & Enterprise.

# Free Trade Agreements

- New Zealand's FTAs have included a specific Treaty of Waitangi exception:
  - allows New Zealand to maintain its rights to take measures including in fulfilment of its obligations under the Treaty of Waitangi
- WAI2522 case relating to the Trans-Pacific Partnership Agreement led to increased focus on engagement with Maori in respect of FTAs

# International Indigenous Collaboration

- No set model but set ambition: for the benefit of the indigenous communities
- Māori engagement with indigenous peoples from:
  - Chinese Taipei
  - Japan (Ainu people)
  - Malaysia (Sabah people)

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