



Cabinet Social Wellbeing Committee

Minute of Decision

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United Nations Declaration on the Rights of Indigenous Peoples: Next Steps for a Declaration Plan

Portfolio **Māori Development**

On 2 June 2021, the Cabinet Social Wellbeing Committee:

- 1 **noted** that:
 - 1.1 in 2010, Cabinet agreed that New Zealand support the United Nations Declaration on the Rights of Indigenous People [CAB (10) 10/11];
 - 1.2 in March 2019, the Cabinet Māori Crown Relations: Te Arawhiti Committee:
 - 1.2.1 agreed that te Minita Whanaketanga Māori (te Minita) lead a process to develop a national plan of action, strategy or other measure on New Zealand's progress towards the objectives of the United Nations Declaration on the Rights of Indigenous People;
 - 1.2.2 invited te Minita, in consultation with relevant Ministers, to confirm terms of reference and establish a technical working group to provide advice on the form and content of a Declaration and an engagement process;
 - 1.2.3 invited te Minita to report back to the Cabinet Māori Crown Relations: Te Arawhiti Committee seeking initial decisions on a Declaration plan and a preferred option for engagement with iwi, hapū, whānau and Māori;

[MCR-19-MIN-0003];
 - 1.3 in June and August 2019, the Cabinet Appointments and Honours Committee noted that te Minita intended to appoint seven members to the technical working group [APH-19-MIN-0137 and APH-19-MIN-0192];
- 2 **noted** that the technical working group reported to te Minita in late 2019 but further progress on the work slowed in response to COVID-19;

- 3 **noted** the report of the technical working group, *He Puapua*, attached under SWC-21-SUB-0083:
- 3.1 addressed each of the relevant Declaration articles presenting them thematically under self-determination/rangatiratanga; participation in kāwanatanga Karauna; lands, territories, and resources; culture; and equity and fairness;
 - 3.2 outlined a vision for 2040 for Declaration realisation, providing a roadmap of potential illustrative actions towards realising Declaration compliance;
 - 3.3 recommended options for further engagement with Māori, co-governance, broader consultation and longer-term review and accountability;
 - 3.4 is not government policy but provides an opportunity for further discussion;
- 4 **noted** that *He Puapua* will be released publicly on the Te Puni Kōkiri website;
- 5 **noted** that te Minita does not intend to pursue, or use, *He Puapua* as a draft Declaration plan, and recommends instead the approach outlined in paragraphs 8 and 9 below to draft a Declaration plan that can be used for wider public consultation;
- 6 **noted** that New Zealand's position has consistently been that the Declaration must satisfy several fundamental requirements and be consistent with existing legal and constitutional circumstances, including:
- 6.1 being consistent with international law, and New Zealand law and policy;
 - 6.2 protecting the rights of all citizens; and
 - 6.3 safeguarding territorial integrity and political unity as well as the responsibility of all democratically elected governments to govern for the welfare of all their citizens;
- 7 **noted** that any action identified in a Declaration plan will not bind future Governments or limit their right to govern;
- 8 **agreed** to a two-step process for the development of a Declaration plan including targeted engagement with key iwi and significant Māori organisations and wider public consultation on a draft Declaration plan;
- 9 **authorised** te Minita, in consultation with the Minister for Māori Crown Relations: Te Arawhiti, the Minister of Foreign Affairs and the Minister of Justice to:
- 9.1 approve plans for the targeted engagement, including working with Pou Tikanga representatives of the National Iwi Chairs Forum to help formulate the targeted engagement;
 - 9.2 consider feedback from the targeted engagement; and
 - 9.3 report back to Cabinet on the proposed process and arrangements for drafting a Declaration plan;

- 10 **invited** te Minita Whanaketanga Māori to report back to the Cabinet Māori Crown Relations: Te Arawhiti Committee:
- 10.1 in December 2021 on feedback from targeted engagement and seeking approval of a proposed process for drafting a Declaration plan;
 - 10.2 in April 2022 seeking approval of a draft Declaration plan and a proposal for wider public consultation;
 - 10.3 in December 2022 seeking approval of a final Declaration plan.

Rachel Clarke
Committee Secretary

Present:

Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Kris Faafoi
Hon Jan Tinetti
Hon Priyanca Radhakrishnan

Officials present from:

Officials Committee for SWC