

Appendix C

Developing a Plan on New Zealand's Progress on the United Nations Declaration on the Rights of Indigenous Peoples

Declaration Technical Working Group Terms of Reference

August 2019

Introduction

1. New Zealand is committed to upholding the rights affirmed by the United Nations Declaration on the Rights of Indigenous Peoples (the **Declaration**), and to engaging further with the aspirations that it sets forth. New Zealand recognises the importance of continued understanding and commitment to the common objectives of the Declaration alongside Te Tiriti o Waitangi and New Zealand's existing legal and constitutional frameworks.
2. In March 2019, the Government committed to develop and implement a national plan of action, strategy or other measure on New Zealand's progress towards the objectives of the Declaration.
3. New Zealand recognises that progress on the aspirations of the Declaration is, by its nature, ongoing and iterative, and that the aspirations and priorities of government and iwi, hapū, whānau and Māori are ever-evolving. The New Zealand Government recognises that in this context, the realisation of the aspirations of the Declaration requires ongoing dialogue with iwi, hapū, whānau and wider Māori communities. This is the context in which a Declaration plan will be developed, and to which the Declaration Technical Working Group must respond.

Purpose

4. The purpose of the Declaration Technical Working Group is to provide Te Minita Whanaketanga Māori with recommendations and advice on:
 - a. a **proposed Declaration plan** for discussion with Māori, including actions that:
 - i. come from the intersect between government priorities, Māori aspirations and international indigenous rights discourse
 - ii. contribute to enhancing the self-determination of Māori as the indigenous peoples of Aotearoa / New Zealand
 - iii. contribute to improving intergenerational Māori wellbeing
 - iv. demonstrate, where possible, ambitious action as opposed to business as usual
 - b. an **engagement approach** for discussing the initial Declaration plan with Māori that embodies the principles of Te Tiriti o Waitangi and the aspirations of the Declaration.

5. The recommendations and advice of the Declaration Technical Working Group will inform Ministerial decisions.

Scope

6. The Declaration Technical Working Group will make recommendations and provide advice on:
 - a. the form and content of a **proposed Declaration plan** that:
 - i. is consistent with New Zealand's statement of support for the Declaration
 - ii. may be a national plan of action, strategy or other measure as appropriate to New Zealand's circumstances
 - iii. includes one or more priority areas that references one or more themes of the Declaration
 - iv. may include actions and/or targets with a mechanism for measurement and/or reporting
 - v. where appropriate, builds on current relevant government activities or work streams and does not double up on existing systems or structures.
 - b. an **engagement approach** that:
 - i. identifies and provides appropriate engagement with iwi, hapū, whānau and Māori individuals, and civil society, on a proposed Declaration plan
 - ii. demonstrates the execution of principles consistent with Te Tiriti o Waitangi and the aspirations of the Declaration.
7. The Declaration Technical Working Group will not assess:
 - a. New Zealand's position of support for the Declaration
 - b. New Zealand's past and present implementation of the Declaration
 - c. whether a Declaration plan or engagement is required.

Membership and Chair

8. The Declaration Technical Working Group will include government officials and non-governmental experts. The Declaration Technical Working Group will consist of up to a total of nine members, inclusive of the Chair, with expertise in:
 - a. indigenous and human rights
 - b. Te Tiriti o Waitangi and New Zealand's legal and constitutional frameworks
 - c. national action plans, strategies or other measures, including measurement and reporting mechanisms
 - d. machinery of government and the Crown-Māori relationship.
9. The Chair shall be appointed from among the Declaration Technical Working Group members in their first meeting. If a Chair cannot be appointed for any

reason, or if the role becomes vacant, then Te Minita Whanaketanga Māori shall appoint a Chair.

10. Declaration Technical Working Group members shall be appointed for the duration of the project.

11. Members may end their involvement in the Declaration Technical Working Group at any time through written notice to Te Minita Whanaketanga Māori stating the date from which the removal of the member is effective. Te Minita Whanaketanga Māori may also replace the Chair or members by issuing written notice stating the date from which the removal of the member is effective.

Accountability

12. Members will participate in an independent capacity and not represent any particular agency or interest group. Instead, Members will act in the interest of the Declaration Technical Working Group, and offer advice that enables it to achieve its' objectives. Members will be accountable to the Chair, when acting in their capacity as members of the Technical Working Group. The Chair will be accountable to Te Minita Whanaketanga Māori.

Meetings

13. The Declaration Technical Working Group will meet at least four times during the project. A meeting quorum will be the Chair plus a minimum of half of the members.

14. Meeting times will be arranged at locations and times that enable the participation of the majority of members. Participation can be through skype or phone conference where required.

15. On agreement by a majority of Declaration Technical Working Group members, the Chair can extend invitations to non-members to attend all or part of meetings for a specified purpose.

Fees and expenses

16. Non-government members will be provided letters of engagement specifying that they will be paid a daily rate for meetings consistent with the Cabinet Fees Framework, and reimbursed travel costs where required.

17. Government members will cover their costs through the operational budget of their responsible agency.

Secretariat

18. The Declaration Technical Working Group will be supported by a dedicated secretariat resourced by Te Puni Kōkiri.

Reporting timeline

19. The Declaration Technical Working Group will report to Te Minita Whanaketanga Māori in writing with:

- a. initial advice on the form and content of a proposed Declaration plan and an engagement approach no later than 27 September 2019 (TBC)

- b. final recommendations and advice on the matters above no later than 01 November 2019. (TBC)

Confidentiality

- 20. Information produced by the Declaration Technical Working Group may be subject to requests under the Official Information Act 1982.

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