

Māori Foreign Policy: A Unique Case of Indigenous Diplomacy

The emergence, assessment and survival of tikanga Māori as instruments to navigate international relations



Kahukiwa Robyn. War. 2012. Oil on canvas, Auckland Art Gallery.

Thesis submitted by: **Emma CATTEAU**

Master's Student in Strategy, Business Intelligence, Risk Management

Under the supervision of: **Guillaume DIDIER**

Professeur agrégé d'anglais et de civilisation britannique

Sciences Po Lille does not intend to express any approval or disapproval of the thesis and opinions expressed in this research paper. They should be considered as those of the author alone. I certify that this research paper is the result of my own work, that it cites and references all sources used, and that it does not contain any passages that have already been used in a similar work.

ABSTRACT

Aotearoa | New Zealand holds two names for historical reasons: 'Aotearoa' originates from the Māori, who were the first to settle on the island, while 'New Zealand' was named by European settlers 500 years later. New Zealand society is founded on the coexistence of these two peoples, who sought unity under the Treaty of Waitangi. This foundational declaration was intended to grant rights and duties to both parties. However, differences in translations led to contradictions regarding the nature of the Māori-Crown relationship. This fundamental issue has led to significant political consequences that persist to this day, leaving the Māori right to self-government subject to political contingencies. Additionally, as a Pacific nation, New Zealand actively engages in regional and global dynamics, necessitating a strong diplomatic toolkit and consistent foreign policy. Leveraging indigenous culture and protocols, Nanaia Mahuta, as Minister of Foreign Affairs, introduced a unique form of diplomacy known as the Māori Foreign Policy. This strategy goes beyond mere representation, utilising Māori philosophical frameworks to guide foreign relationships. However, for this initiative to be effective and sustainable, it requires thorough and intentional implementation and currently faces significant challenges due to the changing political climate in Aotearoa New Zealand.

Aotearoa ou la Nouvelle-Zélande porte deux noms pour des raisons historiques : si 'Aotearoa' provient des Māoris, peuple autochtone de l'île, 'Nouvelle-Zélande' fut le nom donné par les colons européens 500 ans plus tard. La société néo-zélandaise est ainsi fondée sur la coexistence de ces deux peuples, qui ont cherché l'unité grâce au Traité de Waitangi. Cependant, des divergences fondamentales dans sa traduction ont conduit à des contradictions concernant la nature des relations entre Māoris et le Britanniques, entraînant des conséquences politiques significatives qui persistent à ce jour. Le droit des Māoris à l'autonomie gouvernementale est ainsi contesté. Par ailleurs, en tant que nation du Pacifique, la Nouvelle-Zélande s'engage activement dans les dynamiques régionales et mondiales, nécessitant un solide arsenal diplomatique et une politique étrangère cohérente. Tirant parti de la culture et des protocoles autochtones, Nanaia Mahuta, ministre des Affaires étrangères, a introduit une forme unique de diplomatie connue sous le nom de Politique étrangère Māorie. Allant au-delà de la simple représentation, elle utilise la philosophie Māorie pour guider ses relations bilatérales. Cependant, pour que cette initiative soit efficace et durable, elle nécessite une mise en œuvre minutieuse et intentionnelle et fait actuellement face à des défis importants en raison du climat politique changeant en Aotearoa Nouvelle-Zélande.

ACKNOWLEDGMENTS

Whāia te iti kahurangi, ki te tuohu koe, me he maunga teitei

Seek the treasure that you value most dearly, if you bow your head, let it be to a lofty mountain.

I am extremely grateful to Guillaume Didier for his supervision, advice and support throughout the year, and for his genuine and enthusiast interest for the subject of this thesis.

My extended thanks go to David Delfolie for his complementary advice, both regarding this thesis and for helping me build a healthier relationship with work.

I acknowledge the unique role of Maori as *tangata whenua* and the principles of partnership, protection and participation conveyed by Te Tiriti o Waitangi.

I would like to particularly thank the National Council of Women, for giving me the opportunity to explore New Zealand political scene through the scope of gender equality – which is a fight I will always take part in – and inspiring the topic of this thesis.

I am grateful to Robyn Kahukiwa for letting me use her artwork as the cover image for this thesis.

I would not have undertaken this journey without the Fondation Francis Bouygues, whom enabled me to pursue my goals and create the opportunities for me to grow academically. I also want to extend my thanks to my mentor Paul Cartuyvel for his support, and meaningful encouragement.

Lastly, I'd like to express my deepest gratitude to my family and friends, for their help, warmth and encouragement throughout this experience, and for proofreading a fair bit of this thesis.

I particularly thank Jeanne and Dion, for their unwavering love and support, making this goal far more reachable.

All my admiration goes to Mum, for her strength and resilience.

GLOSSARY

This glossary includes some acronyms, but mainly translations from te reo Māori to English. New Zealand recognises te reo as an official language and is often used in the everyday life of New Zealanders. Some expressions in te reo will be included in this thesis, as they are helpful to describe particular concepts taken from or referring to Māori culture. Aotearoa and New Zealand can be used indifferently in English.

Aotearoa: Land of the Long White Cloud / New Zealand.

Hui: Gathering, meeting, assembly, seminar, conference.

Iwi: extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor and associated with a distinct territory.

Kaitiakitanga: guardianship, stewardship, trusteeship, trustee.

Karakia: Prayer.

Kaupapa: a plan, a set of principles and ideas that inform behaviour and customs.

Kia ora: Hello / Thank you.

Kiwi: Nickname attributed to New Zealanders, used in both formal and informal context. It takes its roots in the first World War, where soldiers were adorned with kiwis on their regimental badges.

Kura: school taught in te reo Māori.

Mahi: project, practice, work, job, employment, activity, function.

Mana: prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place or object. Mana goes hand in hand with *tapu* (sacred, prohibited, restricted, set apart, forbidden), one affecting the other. The more prestigious the event, person or object, the more it is surrounded by tapu and mana. Mana is the enduring, indestructible power of the atua and is inherited at birth, the more senior the descent, the greater the mana.

Mātauranga Māori: Māori knowledge - the body of knowledge originating from Māori ancestors, including the Māori world view and perspectives, Māori creativity and cultural practices.

MFAT: Ministry of Foreign Affairs and Trade | *Manatū Aorere*

Ngāti [...]: prefix for a tribal group, now written as a separate word.

Pākehā: New Zealander of European descent - probably originally applied to English-speaking Europeans living in Aotearoa/New Zealand.

Rangatira: chief (male or female), chieftain, chieftainess, master, mistress, boss, supervisor, employer, landlord, owner, proprietor - qualities of a leader is a concern for the integrity and prosperity of the people, the land, the language and other cultural treasures (e.g. oratory and song poetry), and an aggressive and sustained response to outside forces that may threaten these.

Rangatiratanga:

1. chieftainship, right to exercise authority, chiefly autonomy.
2. kingdom, realm, sovereignty, principality, self-determination, self-management - connotations extending the original meaning of the word resulting from Bible and Treaty of Waitangi translations.

Tangata whenua: local people, hosts, indigenous people - people born of the whenua, i.e. of the placenta and of the land where the people's ancestors have lived and where their placenta are buried.

Taniwha: Supernatural creatures legendary in Māori tradition, often depicted as a serpent or a dragon, known to be heroic slayers.

Taonga: treasure, anything prized - applied to anything considered to be of value including socially or culturally valuable objects, resources, phenomenon, ideas and techniques.

Te Puni Kōkiri : Ministry of Māori Development

Te reo Māori: the Māori language / **Te reo :** the language.

Te Tiriti o Waitangi : Treaty of Waitangi.

Tēnā koutou: Thank you.

Wahine: Women, female, lady, wife / **Wāhine Māori:** Māori Women.

Whakapapa: genealogy, genealogical table, lineage, descent - reciting whakapapa was, and is, an important skill and reflected the importance of genealogies in Māori society in terms of leadership, land and fishing rights, kinship and status. It is central to all Māori institutions.

Whānau: often translated as ‘family’, but its meaning can be complex. It includes physical, emotional and spiritual dimensions and is based on whakapapa. Whānau can be multi-layered, flexible and dynamic. Whānau is based on a Māori and a tribal world view. It is through the whānau that values, histories and traditions from the ancestors are adapted for the contemporary world.

SUMMARY

ABSTRACT	3
ACKNOWLEDGMENTS.....	4
GLOSSARY	5
SUMMARY	8
INTRODUCTION	9
CHAPTER 1: The Treaty of Waitangi: Shaping New Zealand’s Diplomatic Identity and Indigenous Politics	30
Section 1. From Aotearoa to New Zealand, from Māori establishment to the framing of Māori-Crown relationship	30
Section 2. Moving from a legal to a political framework: thinking the ‘Politics of Indigeneity’	39
Section 3. Engaging with the international community in indigeneity: the case of UN Treaties	46
CHAPTER 2: Bridging Cultures: Māori Engagement in New Zealand's Foreign Affairs - <i>How does a “Māori Foreign Policy” materialise?</i>.....	57
Section 1. Trade serves as a driving force to advance the principle of protection, participation, and partnership between Māori and the Crown.	58
Section 2. Transitioning from Engagement to Embrace: Integrating Te Ao Māori into Aotearoa's Diplomatic Strategies	68
Section 3. Materialisation of a Māori Foreign Policy: utilising <i>tikanga</i> across the borders	73
CHAPTER 3: “Indigenous Diplomacy doesn’t exist”.....	82
Section 1. Māori Foreign Policy: exportable or exceptional?	83
Section 2. Rise and Fall of the Māori Foreign Policy: which consideration of indigeneity by the National Coalition Government?	92
Section 3. <i>Tikanga Māori</i> : successfully exported, hardly imported?.....	101
GENERAL CONCLUSION	109
TABLE OF CONTENT.....	112
BIBLIOGRAPHY.....	115
APPENDIX	132

INTRODUCTION



Figure 1: Over a thousand people on Aurora Bridge to Parliament in Wellington on 4th December. Photo / Mark Mitchell

On 5 December 2023, the following words, marked on protesters' placards, reverberated through the streets of numerous New Zealand cities:

“Mana Motuhake”, “Tino rangatirataga”, “Toitū Te Tiriti 1840”

“Self-determination”, “Sovereignty”, and “Honour the Treaty”. What took place on this day was the opening of the 54th Parliament, ushering in a right-wing coalition comprised of National Party, NZ First and ACT. This concluded three years of governance under the Labour Party of New Zealand. Te Pāti Māori – the Māori Party of New Zealand – led a nationwide protest aimed at condemning the coalition’s proposed policy initiatives, perceived as major setbacks threatening Māori rights and wellbeing. These measures would trigger a reassessment of how Aotearoa New Zealand’s founding document, the Treaty of Waitangi | Te Tiriti o Waitangi is understood. By the same means, these reforms would involve diminishing the use of Māori language – te reo Māori – and considerably review affirmative action policy benefitting Māori population, reversing the progress made in the safeguarding Māori rights under the Treaty of Waitangi.

To comprehend the significance of such a shift, I will first revisit the establishment of Aotearoa New Zealand as a nation, before delving into an examination of the core issues stemming from this event. Subsequently, in a later section of the introduction, I will elaborate on the rationale behind my decision to explore the topic of Māori Foreign Policy, contextualising my research project through a literature review. Following this, I will present my study questions, hypotheses, and outline.

History of New Zealand

The Māori name for New Zealand, *Aotearoa* – which, according to New Zealand law, can be used interchangeably to refer to the country – translates from the Polynesian language to mean '*The land of the long white cloud.*' This is not about New Zealand's unpredictable weather, but it draws back to its history, and the way in which its first inhabitants reached the island. New Zealand is the last major landmass to have been populated by humans and saw two waves of migration: a first one by the Māori, a second from English colonisers. The *tangata whenua* – people of the land, indigenous people– of New Zealand are known to be Polynesian venturers who were navigating north and south across Pacific Island in search of new lands.¹ In Māori legends and stories, it is said that they departed from Hawaiki, a mystical place where humans are born and to which they go after death, before finally reaching the shores of the North Island. Their arrival can be dated to between 1250 and 1300 AD, though there exist conflicting hypotheses regarding this matter.² As part of their culture and traditions, Polynesians constructed a worldview based on *whakapapa* – genealogy – thereby creating kin relationships among themselves, with nature, and with the land.

Since their arrival, *tangata whenua* have diligently worked to nurture and maintain the culture inherited from their Polynesian roots, all while adapting practices to suit the environment of the newly settled land. Drawing strength from their common roots in *whakapapa*, the concept of a collective identity emerged as a fundamental aspect of Māori culture. This concept evolved further into *iwi* and *hapu* – tribes and sub-tribes – facilitating the continued expansion of the population and the development of notions of land ownership and defence, which were shaped by the diverse geography.³

¹ Mein Smith, Philippa. *A Concise History of New Zealand*. Cambridge University Press, 2005. P.5-7

² *Ibid*

³ Mein Smith, 2005, p.9-11

However, as Philipa Mein Smith observes, “*Who Māori were before they encountered Europe is not the same as who Māori were in the nineteenth or twentieth century. Tangata whenua did not become Māori until they engaged with European. Conversely, Europeans only gradually became Pākehā*”.⁴

From the first contact with Europeans in 1642, when Dutch sailor Abel Tasman reached the shores of the South Island, the identity of the country and its inhabitants began to take shape. The violent encounter between the Dutch and Ngāti⁵ Tūmatakōkiri led Tasman to name the place Moordenaers (Murderers) Bay before sailing east to the Manawatu Coast of the North Island. These stories, shared with the European public, contributed to the perception of Māori as a violent people.⁶ In 1769, British explorer James Cook reached New Zealand and undertook an exploration of the Aotearoa coastline, resulting in the creation of a remarkably accurate chart.⁷ Cook was admired by Europeans for his excellence in navigation and leadership. His repeated successful explorations elevated him to the status of a central figure in the Enlightenment, contributing significantly to the spread of European knowledge and ideas.⁸ On the Māori side, the initial encounters with Cook proved challenging, resulting in the deaths of several Māori due to misunderstandings – some of Cook’s men mistook Māori ceremonies and weapon trading for threats. In an effort to mitigate the aftermath of these tragic events, Cook brought ashore Tupaia, a Tahitian *tahua* – priest – who could communicate with the Māori and served as a mediator for their discussions. The significance of Cook’s arrival in Aotearoa was somewhat limited for the Māori, as they initially regarded the newcomers as they would any other Māori tribe. Despite Cook’s efforts to maintain friendly relations and avoid bloodshed, his expeditions in New Zealand resulted in numerous Māori deaths, contrasting with the absence of casualties among Cook’s men.

The introduction of the musket, a simple piece of European military technology, profoundly disrupted the status quo and contributed to large-scale inter-tribe conflicts, especially in the 1820s. Many were killed, and even more were displaced, particularly due to the southward migration pressure exerted by Ngāti Toa and allied Taranaki (South-West

⁴ Mein Smith, 2005, p.16

⁵ *Ngāti* is the prefix used to introduce the name of a tribe (*iwi*)

⁶ Brooking, Tom. *The History of New Zealand*. British Library of Congress, 2004. p.24.

⁷ Wilson, John. ‘History - Europeans to 1840’. *Te Ara - the Encyclopedia of New Zealand*, Ministry for Culture and Heritage Te Manatu Taonga, 1 Apr. 2020, <https://teara.govt.nz/en/document/1454/cooks-map-of-new-zealand-1773>. Accessed 2 May 2024.

⁸ Brooking, 2004, p. 26

region of the North Island) tribes. During this time, there was increased contact with British settlers, with Māori chiefs sometimes reaching out to obtain additional resources for warfare and seeking material support. Subsequently, the Māori societal and institutional framework began to dislocate, coinciding with the arrival of Anglican, Methodist, and Catholic missionaries in Aotearoa New Zealand. Māori soon embraced Christianity, adapting it to fit their indigenous narrative.

After visiting Sydney, several Māori chiefs grew concerned about the potential excesses of white settlers. Simultaneously, more navigators, including French and American, arrived on Aotearoa's shores, raising concerns among both Māori and the Crown – who were keen to maintain their influence on New Zealand. James Busby was appointed as British Resident, tasked with ensuring the protection of the Crown's interests on the island. He proposed that Māori vote for a national flag as a means of achieving this. Shortly thereafter, Busby suggested the establishment of a Declaration of Independence to enshrine the Chiefs' authority over the North of Hauraki – Thames, North East of the North Island.⁹ The Declaration of Independence recognises the status of "*whenua Rangatira*" – meaning an independent state – of New Zealand, and acknowledges the authority of Māori Chiefs or *Rangatira* over the region. It also asserts that the *kingitanga* – sovereign power – was collectively held by the chiefs and prohibits any foreign group from imposing laws or establishing a governorship or *Kawanatanga*. The Declaration was signed by 13 Chiefs in 1835.¹⁰

This long-neglected document has recently gained prominence, as historians have recognised its significance in establishing the concept of New Zealand as a Māori country. This is especially evident considering the Treaty of Waitangi, signed five years after the Declaration of Independence. Te Tiriti o Waitangi emerged from growing concerns among British settlers, who feared further disorder due to competing groups vying for control over the island.¹¹ To counter this threat and accommodate the increasing number of Europeans, the Crown decided to establish an institutional organisation in the form of a British colony, despite the official recognition of New Zealand's declaration of independence in 1935.

⁹ Mein Smith, 2005, p.39-42

¹⁰ Keane, New Zealand Ministry for Culture and Heritage Te Manatu. 'He Whakaputanga – Declaration of Independence'. *Te Ara - the Encyclopedia of New Zealand*, Ministry for Culture and Heritage Te Manatu Taonga, 20 June 2012, <https://teara.govt.nz/en/he-whakaputanga-declaration-of-independence>.

¹¹ Mein Smith, 2005, p.44

The Treaty of Waitangi, which I will analyse in more detail in the first chapter of this thesis, is subject to inherent contradictions dating back to its drafting. Initiated by the future Lieutenant Governor William Hobson, the document was then translated from *te reo Māori* to English by missionary Henry Williams and his son Edward. However, the significant differences in translation meant that the English version recognises the Crown’s sovereignty over New Zealand, while the *te reo* version acknowledges that Māori Chiefs ceded *Kawanatanga* – governorship – to the Crown. If Māori perceived governors as rather distant figures¹², the cession meant that Māori *Rangatiratanga* was preserved and Māori culture, traditions, and land were safeguarded.

Engagement with the topic

This divergence poses a pressing issue in contemporary Aotearoa New Zealand, where the interpretation of Te Tiriti appears to be subject to the sensibilities and perspectives of each political party, representing a significant controversy within New Zealand society. As of today, New Zealand society is considered bi-cultural at its core, yet the definition of such bi-culturalism remains a topic of heated debate. The relational dynamics between the Crown and Māori are contingent on the interpretation of Te Tiriti, as are the institutional mechanisms, the delivery of public services, and the implementation of foreign policy.

Indigeneity is a concept I had yet to explore within the context of my studies prior to relocating to New Zealand in January 2023. I embarked on a five-month internship at the National Council of Women of New Zealand | Te Kaunihera Wahine o Aotearoa, where I served as Board Administrator for the non-governmental organisation. When questioned by my internship supervisor about my expectations for New Zealand, I naively envisioned the country as “a smaller version of Australia, but greener”. My subsequent experiences were vastly different from anything I had encountered in Australia. Upon arrival in Wellington, we were briefed on the emergency procedures through the retelling of a Māori legend, before the flight attendants warmly greeted us with “*Kia ora, welcome to Aotearoa New Zealand*”. From that moment, I was dedicated to delving deeper into Māori culture and embraced this aspect of my journey in Aotearoa to the fullest.

One of my tasks was to actively participate in the activities of the International Hub of the organisation, as my supervisors knew I had a keen interest in the field, and additional

¹² Brooking, 2004, p.40

knowledge I could bring to the table thanks to courses followed at Sciences Po. I attended several briefings of the Ministry of Foreign Affairs and Trade (MFAT), notably consultations on the Comprehensive and Progressive Trans-Pacific Partnership Agreement (CPTPP), which New Zealand was chairing in 2023, and on the soon to be signed UK-NZ Free Trade Agreement. The Ministry was inviting representatives of civil society to attend the meetings, to raise queries and suggestions to progress forward. I was present during these meetings as a representative of NCW, to take notes and provide feedback to the Hub, but also to express some concerns related to the effect of this treaty on women, *Wāhine Māori*¹³ and gender-diverse people. The study of such documents allowed me, in the meantime, to better understand the interests Māori had in taking part in the negotiation of these treaties.

Additionally, I had the chance to meet several diplomats during different events, and entertain insightful conversations which, alongside my background in international relations and my growing interests for the questions related to indigenous peoples, encouraged me to expand my knowledge on indigeneity on an academic level. After getting informed on New Zealand's diplomatic activities, I shifted the direction of my research to further encompass the indigenous matters related to foreign policy. I encountered an article, named "New Zealand's 'Māori Foreign Policy' and China: A Case of Instrumental Relationality", written by Smith and Holster in July 2023¹⁴, which delves into the intricacies of Māori values applied to the field of international relations, as per the strategy of the Foreign Affairs Minister at the time Nanaia Mahuta. This article was the starting point of my reflections.

Literature Review

The recent changes in New Zealand's political landscape, particularly with the newly elected National Government mentioned earlier, have prompted questions regarding the most effective approach to addressing the imperative of enhancing the representation of indigenous peoples in international relations, and the methods for achieving this goal.

This literature review aims at establishing the framework in which the notion of indigeneity was developed, using related concepts such as self-determination, representation, and identity in a post-colonial analysis. After presenting these key concepts, I will introduce the academic context in which the notion of ethics and ethnicity were introduced, leading to an

¹³ Wāhine Māori : Māori women

¹⁴ Smith, Nicholas Ross, and Bonnie Holster. "New Zealand's 'Maori Foreign Policy' and China: A Case of Instrumental Relationality?" *International Affairs*, vol. 99, no. 4, July 2023, pp. 1575–93, <https://doi.org/10.1093/ia/iiaad123>.

increasing consideration of indigenous questions to the agenda of international debates. Lastly, I will have a closer look at the different ways indigenous populations can be considered in the process of foreign policymaking.

To begin this development, Gayatri Chakravorty Spivak's essay "Can the Subaltern Speak" from 1994¹⁵ is a particularly relevant starting point examines these concepts, notably because it draws back to Foucault's and Deleuze's post-structural analysis of representation. This study has criticised Marx's understanding of the same concept and later uses Edward's Said concept of Orientalism to provide a renewed approach on the subaltern, including indigenous populations. Spivak starts by introducing the conversation of "Intellectuals and Power" between Foucault and Deleuze that eventually became a part of Foucault's book *In Language, Counter-Memory, Practice: Selected Essays and Interviews* in 1977.¹⁶ This conversation aims at complementing and criticising the French post-structuralist theory of the "Subject" and the "Other", and how they are narrativised¹⁷. According to these authors, discourses and power relations have a major role in constructing and regulating identities, which lead them to discuss the idea of "Subject". Foucault rejects the humanist idea of a free and rational subject, instead viewing it as determined by a system of power relations that are inseparable from the production of knowledge.¹⁸ He describes the subject as both a self-aware topic, and something that is controlled, subjected, and turned into an object of knowledge, language, and power. This knowledge that someone has of themselves is what enables them to represent themselves. Foucault adds that "the masses know perfectly well, clearly" and that "they know far better than [the intellectual] and they certainly say it very well"¹⁹

However, the limit of this analysis relies in who should be in charge of "representing", as in "speaking for" the oppressed. Acting by speaking would therefore be the burden of intellectuals, whereas "the subject is not seen as a representative consciousness (one "re-presenting" – as in art or philosophy – reality adequately)"²⁰. This argument, as noted by Spivak, is related to Marx's construction of a subject, especially with regards to

¹⁵ Spivak, Gayatri Chakravorty. 'Can the Subaltern Speak?' *Colonial Discourse and Post-Colonial Theory*, by Patrick Williams and Laura Chrisman, Routledge, 1994, p.66

¹⁶ Foucault, Michel. *Language, Counter-Memory, Practice: Selected Essays and Interviews*. Cornell University Press, 1977.

¹⁷ Spivak, 1994, p.66

¹⁸ Olssen, Mark. 'Foucault and Marxism: Rewriting the Theory of Historical Materialism'. *Policy Futures in Education*, vol. 2, Sept. 2004.

¹⁹ Foucault, 1977, p. 206-207.

²⁰ Spivak, 1994, p.71

class subject. His statement is the following, in *Eighteenth Brumaire*²¹ “The small peasant proprietors 'cannot represent themselves; they must be represented. Their representative must appear simultaneously as their master, as an authority over them, as unrestricted governmental power that protects them from the other classes and sends them rain and sunshine from above.’”

Although Marx’s rejection of human depredation by colonial interference, and according to Edward Said in *Orientalism* (1978) “Marx’s economic analyses are perfectly fitted thus to a standard Orientalist undertaking”. Said states “Orientalism can be defined as the corporate institution for dealing with the Orient - dealing with it by making statements about it, describing it, by teaching it, settling it, ding over it, in short Orientalism as a western style for dominating, restructuring and having authority over the Orient (p.3).” In this regard, Orientalism was a narrative used by the Occident – the West – not to define “the Other”, but to define itself primarily. In most cases the Oriental is 'contained' and 'represented' by dominating frameworks where it is compared to the West and whose culture and perspectives are shown as a deviation and a perversion that justify an inferior status.

Spivak extensively uses Said’s thesis to build her own and attempts to critically further his analysis of the Orient as a subaltern category. The concept of subaltern brings back to dialectics of the Centre and Periphery, pointing out an unbalanced power relation between the West and the East, but more generally, between the West and the Rest. She proposes to “move to consider the margins (one can just as well say the silent, silenced centre) of the circuit marked out by this epistemic violence, men and women among the illiterate peasantry, the tribals, the lowest strata of the urban subproletariat”.²² Her main research question revolves around the ability of the subaltern so speak – whether they are given the space to speak or if they are truly *heard*. Byrd and Rothberg in their article “Between Subalternity and Indigeneity”²³ acknowledge the major moment that was inaugurated by Spivak for postcolonial studies, in that it created a bridge between post-colonialism, post-structuralism, subaltern studies and indigenous studies. By drawing a parallel between the rise of post-colonial studies and the rise of American Indian studies, they show that the latter prioritized sovereignty, self-determination, and treaty rights. They also present an interesting paradox, where on the one hand “the category of indigeneity

²¹ Marx, Karl, *The Eighteenth Brumaire of Louis Bonaparte*, 1852.

²² Spivak, 1994, p.25

²³ Byrd, Jodi A., and Michael Rothberg. ‘Between Subalternity and Indigeneity’. *Interventions*, vol. 13, no. 1, Mar. 2011, p. 1–12.

marks an intellectual theorization located at the crossroads where analyses of colonization intersect with peoples who define themselves in terms of relation to land, kinship communities [...]” but on the other hand, “too often they [indigenous studies] erase indigenous perspectives completely, especially within the juridical exercises of colonialist power that deploy and constrain sovereignty as justification for land dispossession.”²⁴. If subaltern studies have been productive for indigenous studies more generally, the scholars that constitute this field embody what Spivak projected: they *speak for* the subaltern categories. Indigenous studies also question the field of subaltern studies, initially developed in response to colonisation of South Asia and Africa, and its ability to adapt to different settlers’ colonies such as those of the Americas, Australia and New Zealand. This question of transposition suggests that “at stake in exploring the resonance between the categories ‘subaltern’ and ‘indigenous’ is a matter of urgent translation – translation in all its senses, linguistic, cultural, and spatial.”²⁵ Overall, the essay argues for the need to build bridges between subaltern and indigenous perspectives to better consider indigenous voices within post-colonial studies.

Lastly, *Being Maasai, Becoming Indigenous: Postcolonial Politics in a Neoliberal World*, written by Dorothy Hodgson in 2011 is a resourceful document to continue exploring the process of indigenous self-determination through the concept of “positioning”. Hodgson starts by stating “A number of anthropologists have explored the complex cultural politics of identity, images, and representation involved when groups intentionally, project, and homogenize their public images and identities to accord with “Western” stereotypes in order to seek recognition and demand rights as “indigenous” peoples”²⁶. Through a post-colonial approach, she determines that the concept of “positioning” of the indigenous populations who refer to themselves as so, is “central to seeking and gaining political recognition by their respective nation-states as “indigenous peoples”²⁷

A universal definition of indigenous people is an elaborate thing to establish, especially considering the diversity of different populations who are encompassed with this concept. The UN-Study of the Problem of Discrimination Against Indigenous Populations of 1972 helps us, first and foremost, to distinguish the notion of indigenous people and ethnic

²⁴ Byrd Jodi and Rothberg, 2011, p.3

²⁵ Byrd Jodi and Rothberg, 2011, p.4.

²⁶ Hodgson, Dorothy L. *Being Maasai, Becoming Indigenous: Postcolonial Politics in a Neoliberal World*. Indiana University Press, 2011., p.4.

²⁷ Hodgson, 2001, p.5.

minorities. If Moore defines ethnic groups as distinguishing themselves from others through their inclusions within a cultural, linguistic, racial, or religious boundary,²⁸ the UN-Study puts emphasis on three factors to define indigenous populations: historical continuity, non-dominant position within a broader society and use of cultural patterns identified as different from the dominant population.

“Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems”

Nevertheless, using the term "indigenous" according to this definition isn't universally embraced and invites various interpretations. Michael Peters reminds us that *“the term ‘indigenous’ derives from the late Latin ‘indigenus’ and ‘indigena’ (native) and [...] ‘Indigena’ in Latin means ‘native’ used of plants, animals, peoples who come from a particular region. On the other hand, “Aboriginal”, referring mainly to Australian and Canadian native population, comes from the Latin word “ab” meaning from and “origine” meaning beginning or origin”*²⁹. However, it carries a strong discriminatory and colonial value. For instance, the Anishinabek Nation campaigned against the term ‘aborigine’ characterizing the word as ‘another means of assimilation through the displacement of our First Nation-specific inherent and treaty rights.’³⁰ Autochthonous may be understood a less colonially charged term, though still lacking a clear understanding of the way these populations see themselves. Therefore, to avoid any incorrect use of the terminology surrounding these ideas, I will refer to indigenous people of New Zealand as “Māori” or “Māori population” or “*tangata whenua*” - people born of the whenua, i.e. of the placenta and of the land, where the people's ancestors have lived and where their placentas are buried.³¹

To Peter, the term “*Indigenous*” “*has gained prominence as a term to describe Aboriginal peoples in an international context through the increasing visibility of*

²⁸ Moore, Will H. ‘Ethnic Minorities and Foreign Policy’. *SALS Review*, vol. 22, no. 2, 2002, pp. 78.

²⁹ Peters, Michael A., and Carl T. Mika. ‘Aborigine, Indian, Indigenous or First Nations?’ *Educational Philosophy and Theory*, vol. 49, no. 13, Nov. 2017, p. 1231

³⁰ *Ibid*

³¹ « Tangata Whenua », Māori Dictionary, <https://maoridictionary.co.nz/search?keywords=tangata+whenua>

*international Indigenous rights movements*³². The “ethnic” or “ethnic” turn has been a critical moment in international relations, as it enabled the native population to define themselves within the international arena. This argument can be linked to Hodgson’s thesis – although the author fails to draw a parallel with her argument – according to which native population *positioning* and *representing* themselves as “indigenous” is the result of an international effort to seek and gain political recognition by their respective nation state, when they were often subject to indifference from the people in power.³³ According to Kuppe, “*It was the commitment for the common fight for indigenous rights for which they had similar arguments, which helped these different people find a common language and in the long run made them self-identify as indigenous peoples*”³⁴ (Kuppe, 2009, p. 106).

Yet, the requests from indigenous peoples, especially with regards to self-determination have rarely been met by the nation states. Article 3 and 4 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007 state:

“Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” (Article 3)

“Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions”(4)

Self-determination is: “An *idée force* of powerful magnitude, a philosophical stance, a moral value, a social movement, a potent ideology, that may also be expressed, in one of its many guises, as a legal right in international law”³⁵ As a result, a major push was undertaken by indigenous groups themselves, to uphold their rights, especially when those rights were established through a legally binding document. The UNDRIP represents a strong international legal framework in this regard, but it is important to note that New Zealand was one of four States who voted against the Declaration in 2007. Although it has revised its position on the matter, progression remains modest. The Ministry of Foreign Affairs and Trade has recognised New Zealand's concerns regarding some of the articles of the UNDRIP, notably “*principle and right to self-determination, the need for prior and*

³² Peters, 2017, p.1232

³³ Ioris, Antonio A. R. ‘Indigeneity and Indigenous Politics: Ground-Breaking Resources’. *Revista de Estudios Sociales*, no. 85, 85, July 2023, p. 5.

³⁴ Kuppe, René. ‘The Three Dimensions of the Rights of Indigenous Peoples’. *International Community Law Review*, vol. 11, no. 1, Jan. 2009, p. 106.

³⁵ Stavenhagen, Rodolfo. ‘The Ethnic Question in the World Crisis’. *Ethnic Conflicts and the Nation-State*, edited by Rodolfo Stavenhagen, Palgrave Macmillan UK, 1996, p.2.

informed consent, the right to the lands, territories and resources and the right for redress of the territories or resources that might have been taken away from them.” MFAT also acknowledges that some principles enacted in the declaration are aligned with New Zealand governmental processes, constitutional and parliamentary arrangement. However, it also points out several points on which no progressive effort could be made, with regards to these same governmental processes, constitutional and parliamentary arrangements.

Nonetheless, many authors have argued in favour of a better consideration of indigenous peoples in the development of policies – whether national or international. According to Moore³⁶ “ethnic conflicts can be overcome and result in the creation of a new constitutional model based on the recognition of indigenous peoples and their rights”. He also refers to “multicultural autonomy” as “*a model of “statehood” based on a politics of difference which accords other cultures, different from the mainstream, recognition based on non-discrimination and the political right to organize their internal affairs on the basis of their own cultural priorities, norms and criteria.*”³⁷ However, his argument only applies to ethnic groups, and never mentions the identity of indigenous populations. This principle, applied to indigenous peoples, has been called “Politics of Indigeneity” by Fleras, who defines it as “*the right to be different in some senses and the same in others – the opportunity to live in the modern world while at the same time preserving one’s ancient.*”³⁸ O’Sullivan emphasises this argument and furthers its scope, explaining “*It also provides membership of an international indigenous community that affords intellectual opportunities unconstrained by the often antagonistic political and policy climates of their own nation-states cultural heritage.*”³⁹

Diplomacy, therefore, should be a solution to address the lack of representativity of the native populations worldwide and making their voices heard, especially since the role of diplomacy in opening spaces for cultural exchange is important⁴⁰. Broadly, diplomacy has been defined by Hedley Bull as “*The conduct of relations between states and other entities involved in world politics through official policies and peaceful means*”⁴¹ when the US

³⁶ Moore, 2002, p.77.

³⁷ *Ibid*

³⁸ Maaka, Roger and Augie Fleras. 2000. “Engaging with Indigeneity: Tino Rangatiratanga in Aotearoa”. In *Political Theory and the Rights of Indigenous Peoples*. Edited by Duncan Ivison, Paul Patton, and Will Sanders, p. 89-109.

³⁹ O’Sullivan, Dominic “Needs, rights, nationhood and the politics of indigeneity” MAI Review, 2006, Issue 1

⁴⁰ Black, Jeremy. *A History of Diplomacy*. Reaktion Books, 2010, p. 14

⁴¹ Frankel, J. ‘Book Review: Hedley Bull, *The Anarchical Society: A Study of Order in World Politics*’. *Millennium*, vol. 6, no. 3, Dec. 1977, p. 296.

diplomat Henri Kissinger expressed diplomacy as “*a new world order*” and “*modern diplomacy is the balance of power between the forces of war and peace*”. Foreign policy should aim at advancing and protecting the interests, values and national identities, despite the constant dynamic of tension within and between each of these categories.⁴² If there exists extensive literature on diplomacy, the following analysis will contend that diplomacy can be both a “way” of entertaining relations with foreign states, and a “objective” of these relations – where diplomacy is the art of maintaining peace and order at the international scale.

Therefore, in the context of indigeneity, and to better represent the native populations and their interests as transnational actors, the concept of “indigenous diplomacy” has been developed and conceptualised. However, there exists no founding document on this topic, and explorations into these ideas have only existed since recently – starting in 2020 for the concept of “indigenous diplomacy”, and in the 2010s for the inclusion of indigenous participation in international relations. Nevertheless, the inaugural Coral Bell School Annual Lecture on Indigenous Diplomacy held by Mary Graham and Morgan Brigg provides a compelling foundation for thinking through these questions.⁴³ They notably underscore the lack of pragmatism that surrounds foreign policies related to indigenous populations, especially regarding Aboriginal Australians and Torres Strait Islanders. The integration of principles of Indigenous diplomacy into a government’s wider foreign and strategic policy agenda is a hard task to achieve, and consistency will be necessary to implement this strategy on the long-term.

The consideration of indigenous populations in the international arena as legitimate actors has increased over past decades and is culminating with the conceptualisation of Indigenous Diplomacy. Yet, native people are often reduced to the rank of non-state actors and only considered within the scope of NGOs, for consultation purposes. Although it provides them with a stage to express their claims and concerns, it also creates a risk to only implement indigenous’ voices “tokenistically”. In this regard, track-two diplomacy can represent an effective way to connect groups that have different objectives and view on global policies than the states. Track two diplomacy can be defined as “*non- governmental, informal and unofficial contacts, and activities between private citizens or groups of*

⁴² Nicolson, Harold. *The Evolution of Diplomacy*. Collier Books, 1962, p.10

⁴³ Medcalf, Rory. ‘Toward Principled Pragmatism in Indigenous Diplomacy in the Indo-Pacific’. *Australian Journal of International Affairs*, 2023, p. 1.

individuals, sometimes called citizen diplomats or non-state actors”⁴⁴, therefore increasing the involvement of grassroots and civil society in the debate than traditional, track one diplomacy do. Its nature, according to Andrew Butcher⁴⁵ enables the facilitation of discussions on subjects that might be considered controversial or sensitive. According to Butcher, this process has particularly been important in New Zealand’s relationship with its Asia-Pacific neighbours, “*particularly in response to evolving security concerns in Southeast Asia.*” However, his analysis, although interesting and enlightening, make no mention of participation by any ethnic group in the track two diplomacy, despite the bicultural character of New Zealand’s society and the increasing consideration of Māori participation in policymaking. Indigenous diplomacy, and especially indigenous relationality are eluded from his analysis, leaving the main takeaways too broad to enable a comprehensive analysis of Māori participation in this track two diplomacy.

On this matter, Monica Tennberg’s essay “Indigenous Peoples as International Political Actors: a Summary.” (2010), moves to consider “*how relations between states, international organisations and indigenous peoples have been and are currently constructed as legal and political practices*”⁴⁶. She first recalls that the emergence of the state system, although it hindered the capacity of self-determination of indigenous populations, also created the legal and political frame within which the cultural, economic, and political rights of different groups have been articulated and protected, inherently granting them the agency to reclaim their rights. Noting that non-state actors are, in this regard, obtaining a growing political voice in international relations, she uses indigenous peoples as one example of these non-state actors – especially the case of Inuit people. She notes “*With the presence of indigenous representatives and with the limited agency of NGOs in the UN, indigenous peoples’ concerns and demands have been put on the agenda*”, which was made possible by the creation of the Permanent Forum for Indigenous Issues in 2000. However, as mentioned before, it still reduces indigenous populations and identity to non-state actors.

Besides, the use of alternative forms of diplomacy remains largely acknowledged as a solution to alleviate the weaknesses that traditional diplomacy can encounter. Figueira⁴⁷

⁴⁴ Capie, David, and Paul Evans. *The Asia-Pacific Security Lexicon*. Institute of Southeast Asian Studies, 2002, p.213

⁴⁵ In Bargh, 2012, p.138

⁴⁶ Tennberg, Monica. “Indigenous Peoples as International Political Actors: A Summary.” *Polar Record*, vol. 46, no. 3, July 2010, pp. 264–70, <https://doi.org/10.1017/S0032247409990398>.

⁴⁷ Figueira, Carla. “Indigenous Peoples as Non-State Diplomatic Actors in the Public/Cultural Diplomacy of Taiwan: A Case Study of Dispossessions: Performative Encounter(s) of Taiwanese Indigenous Contemporary

takes the example of Taiwan to demonstrate how indigenous populations can be considered non-state diplomatic actors in Taiwan public/cultural diplomacy, and explores their legitimacy to represent Taiwan Internationally and their capacity to “*shape the perceptions of foreign publics about the country*”. Indigenous populations of Taiwan are depicted as carrying and conveying a set of values such as democracy, freedom and human rights, therefore showing a particular bright image of the island. Figueira concludes that “*Indigenous people can diplomatically represent Taiwan through symbolic action, expressiveness, or being the point itself*”. She additionally points out “*If we think of the importance of values in the concept of soft power (Nye, 2004), the Taiwanese Indigenous people have a significant role in making Taiwan attractive to foreign publics.*”⁴⁸ This shows an interesting and unconventional side of indigenous participation in international relations, where they not only seek to be represented or to represent themselves, but first and foremost to convey a range of values that are part of their culture as a native population.

These analyses lead us to question the ability of foreign policy to be shaped *by* and/or *for* indigenous people in the context of New Zealand politics, and the character of diplomacy to be developed *in favour* and/or *with the input* of Māori and their culture. On the one hand, and this is what has been mostly debated among the scholarship:

*“A truly indigenous foreign policy would be rooted in respect for – and recognition of – the agency of Indigenous peoples as sovereign nations with whom the state is part of a shared political community. Sharing a political community requires the state to respect Indigenous constitutional orders and that those constitutional orders inform the shape and structure of the shared political community rather than being twisted, bent and broken to conform to standards set by the state.”*⁴⁹

According to the previous definition proposed by Cochran in 2022, an Indigenous foreign policy strategy would be informed and defined by a consistent, mutual and ongoing negotiation process between the state and the indigenous peoples and “*therefore the results would be as diverse as the numerous indigenous people across the world.*”⁵⁰ This aspect of Indigenous diplomacy, applied to the case of Aotearoa New Zealand has been at the centre

Art.” *International Journal of Taiwan Studies*, vol. 3, no. 1, Jan. 2020, p.64.

<https://doi.org/10.1163/24688800-00301006>.

⁴⁸ Figueira, 2020, p. 74

⁴⁹ Cochran, Nicole, and Brian Harding. ‘What Is Indigenous Foreign Policy? Lessons from Australia and New Zealand’. *United States Institute of Peace*, 26 May 2022. p.3

⁵⁰ *Ibid.*

of the analysis of Maria Bargh⁵¹. According to her findings, the first diplomatic relations and foreign policy in the country were conducted by *iwi* (tribes) and *hapū* (sub-tribes) *Māori*, based on principles that are *Whakapapa* (genealogy), *utu* (balance), *mana* (respect) and *koha* (reciprocity). To address the participation and level of participation of Māori population in the process of foreign policymaking, we must return to the distribution of power between Māori and the Crown, from the very early stages of the Treaty of Waitangi – or *Te Tiriti* – signed in 1840 that establishes relationship between the settlers and the *tangata whenua*. However, these relations appear unequal and biased by a difference in translation for the English and the *te reo Māori* version, thus leading the Crown to be resistant to acknowledging its own limitation. According to Bargh, an effective Indigenous Diplomacy in New Zealand would involve the efficient and effective use of the existing mechanisms to alleviate this gap, for example by leveraging, but especially by shifting from a “consultation” of the Māori population and their direct representative to the request for a “free, prior and informed consent”⁵². This particular the terminology used in the UNDRIP that New Zealand signed in 2010 engages the responsibility of the government to a greater extent in addressing Māori’s needs.

This approach, adopted by most of the scholarship on Indigenous studies, tends to establish a general framework in which Indigenous Diplomacy is the result of the adoption of policies drafted with Māori – or generally indigenous peoples – that align with the concerns and claims they have expressed with regards to national and international context. However, very few works focus on the possibility to leverage indigenous values, traditions and ways of doing to practice diplomacy. One insightful article, written by Figueira⁵³, mentions the ability of Indigenous people of Taiwan to convey a set of values that can be exported to foreign nations and implemented in the way they conduct diplomacy. A very recent article published in July 2023 by Smith and Holster⁵⁴ gives us one of the only resources to determine the practice of using and exploiting principles and values that are proper to Māori, through the idea of *tikanga Māori* – a concept that is set around customary practices and principles that are proper and aligned with *te ao Māori*, Māori culture. A previous work from Magallanes – although not mentioned by Smith and *al.* – puts emphasis

⁵¹ Bargh, Maria. ‘Rights and Sovereignty of Indigenous Peoples: Implications for Foreign Policy’. *Public Participation in Foreign Policy*, 2012, p. 173

⁵² Bargh. 2012, p.176

⁵³ Figueira, 2020, p.74

⁵⁴ Smith and *al.*, 2023, p. 1577-78.

on the “relationships indigenous have with the natural world” that “differ from those espoused by the states within which they live”⁵⁵ and have often been “suffocated by colonizing powers who sought to impose their rules, methods and laws on the people whom they encountered”.⁵⁶ He advocates for the relevance of Indigenous rights and Indigenous principles in the context of environmental management, especially in Aotearoa New Zealand. Principles of *Whanaungatanga* – kinship, considering mankind as part of nature, and nature as a 'living ancestor' to be revered – and *Kaitiakitanga* – guardianship, redefines humans as 'guardians' or stewards of the environment who carry certain responsibilities.⁵⁷ Although he does not draw a direct link with environmental world governance, these questions and arguments are particularly relevant to international relations. Getting back to Smith and Holster argument, they start their analysis from the 2021 Declaration of the New Zealand Minister of Foreign Affairs and Trade Nanaia Mahuta, who wished to introduce a “Māori Foreign Policy”. This Foreign Policy would include *tikanga Māori* which encompasses four principles *manaakitanga* (hospitality), *whanaungatanga* (connectedness), *mahi tahi and kotahitanga* (unity through collaboration), and *kaitiakitanga* (guardianship and the protection of intergenerational wellbeing).⁵⁸ This area of New Zealand diplomacy and diplomatic practices has scarcely been studied, which leads us to delve into this topic in this thesis. Using the material that is available within the scholarship, official documents and interviews, I will assess the relevance of the aforementioned principles, their implementation in foreign policymaking, their efficiency in the shaping of international relations and their likeliness to survive Nahuta’s legislature once she has left office.

Study question and hypotheses

The preceding developments have laid the groundwork for analysing for this topic and determining how this research will enhance the existing studies in the field of New Zealand Diplomacy. This thesis aims to explore the concept of indigenous diplomacy, specifically it seeks to ascertain whether Māori Foreign Policy simply serves as a case study for such a concept, or if it introduces a distinctive perspective on engaging with indigenous peoples in foreign policymaking, particularly within the unique historical, legal, and political

⁵⁵ Magallanes, Catherine J. Iorns. ‘Improving the Global Environmental Rule of Law by Upholding Indigenous Rights: Examples from Aotearoa New Zealand’. *Global Journal of Comparative Law*, vol. 7, no. 1, 2018, pp. 62

⁵⁶ *Ibid.*

⁵⁷ Magallanes, 2018, p71-72

⁵⁸ Smith and *al*, 2023, p. 1577-78

structure of Aotearoa New Zealand. Therefore, the central research question to be explored in this paper is:

Can Māori Foreign Policy be established as a reliable, enduring and unique instrument of New Zealand diplomatic toolkit, or is it subject to a variety of contingencies, thereby potentially endangering the inherent rights of the Māori as tangata whenua of Aotearoa New Zealand?

To address this study question, I formulated the following hypotheses – ranging from general to specific – to develop a research protocol, as follows:

1. New Zealand maintains a stable legal framework to safeguard Māori wellbeing and resources.
2. Māori have specific needs, as indigenous people of Aotearoa, that shall be met, like other portions of the population such as women, children, the elderly, or disabled people.
3. Māori Foreign Policy implies a direct representation of Māori on the international stage – enabling them to engage directly with international actors.
4. Promoting its indigenous people can be advantageous for New Zealand, but it also carries the risk of leading to tokenism or cultural appropriation.

Methodology

- Corpus of documents

In conducting this thesis, a comprehensive analysis of legal documents was undertaken. These documents served as the primary sources for Chapter One, particularly concerning the study of Te Tiriti o Waitangi and its jurisprudence. Many academic sources from various fields—including international relations, ethics in politics, indigenous studies, and Māori studies—were utilised. Their contents contributed to constructing the theoretical framework of this thesis, first by conducting a literature review on the study of indigeneity in international relations. Secondly, these sources provided a robust secondary foundation for analysing and conceptualising arguments derived from historical and legal sources.

A corpus of documents, including governmental circulars, official statements, and ministry reports, was utilised as primary sources to study the implementation of foreign

policy and Māori development policy, notably during Chapter 2 and 3. Communications by parties, interest groups, or organisations, as well as interviews conducted for the purpose of this thesis, were used as secondary sources to analyse the aforementioned policies. Some grey sources were communicated to me discreetly by the interviewees, notably the 2001 Cabinet Guidelines on Engagement with Māori on Trade and the 2019 Cabinet Guidelines on the consideration of the Treaty of Waitangi in government activities.

- *Semi-guided interviews*

I conducted four interviews with three different professionals who have experience in New Zealand's political sphere or foreign affairs. These interviews were qualitative in nature, and a set of each interviewee was asked a set of questions based on their background and expertise in the subject matter. The discussions were semi-guided.

The discussions aimed to obtain perspectives from various actors and gather insights on the implementation of Foreign Policy over the past 6 to 7 years. Three individuals were interviewed, from New Zealand's political or foreign relations fields. First is a MFAT official, surnamed *Interviewee A* for anonymity, then is Te Ururoa Flavell, former Leader of Te Pāti Māori and former Ministry for Māori development. Lastly, I interviewed Nanaia Mahuta, former Minister of Foreign Affairs and former Minister of Māori development.⁵⁹

Whilst two of the interviewees are of Māori descent, the three interviewees have held various positions throughout their careers, offering diverse perspectives on what constitutes a 'Māori Foreign Policy.' Given the specialised nature of the topic, demanding precision, I sought out the expertise of individuals in Foreign Affairs in New Zealand and/or Māori issues. I reached out to approximately 35 organisations, ministries, political parties, and individuals, including MPs, party leaders, ministers, advisors, and scholars. However, only a few responded, mostly with negative replies.

On one hand, the realm of foreign affairs frequently necessitates confidentiality, raising doubts about disseminating information to a student, especially one who is not a New Zealand citizen. On the other hand, I inquired about 'Māori' foreign policy and its recent developments. Given the ongoing debates and controversies surrounding Māori rights in Aotearoa, especially since the last election, it is unsurprising that representatives of the current government may have been reluctant to answer my questions. I initially received a

⁵⁹ Their identities and details can be found in Appendix A.

positive answer from the current President of Te Pāti Māori, John Tamihere, who later requested to reschedule, and subsequently ceased responding to my emails. Former member of the Labour Party, he had held strong criticism against the newly established Māori Party in 2004, which may explain his eventual refusal to participate in the interview.

My first Interviewee (Interviewee A) currently works at the Ministry, hence their decision to maintain anonymity, to be able to answer my questions without jeopardising their position or restricting the scope of my research. Concurrently, transcription of our discussions will not be published. I was lucky to be able to conduct follow-up interview with them, after they suggested I reached out to them after conducting further research for my thesis. The transcriptions of the interviews are available in Appendix B and C and will be referenced throughout the thesis, mainly in Chapter 2 and 3.

Outline

To address whether Māori Foreign Policy can constitute a stable and distinct component of New Zealand's diplomacy, or if its variability poses risks to the rights of the Māori people, I will use the following outline. Chapter 1 will provide an overview of New Zealand's bicultural political system, which stems from the principles of the Treaty of Waitangi – a document that remains controversial due to its divergent translations, thereby limiting the scope of its action (Section 1). However, discussions on the principle of sovereignty and self-determination prompt an examination of the relevance of using the “politics of indigeneity” as a framework for policymaking in New Zealand (Section 2). A broader approach to this question will examine the international structure within which New Zealand has evolved, through which indigenous claims can be legitimised, notably thanks to the UN Declaration of Indigenous People (Section 3)

Chapter 2 will aim to specify the framework of the analysis and will apply the concept of the politics of indigeneity to the realm of foreign policy. Here, two approaches to an Indigenous Foreign Policy will be presented. The first section will explore how the New Zealand Ministry of Foreign Affairs engages with Māori in their policymaking process to uphold the principles of protection, participation, and partnership embedded in Te Tiriti – and which are the limits to such instruments. After a quick detour to comprehend the Māori world view – *te Ao Māori* – and the principles and procedures applicable to policymaking that stem from it – *tikanga* – (Section 2), the third section will focus on a second approach to indigenous diplomacy. It will particularly address the “Māori Foreign Policy” presented

by Minister of Foreign Affairs Nanaia Mahuta, and its application to New Zealand diplomatic strategy during her time in office.

Chapter 3 examines the influence of political contingencies on Māori Foreign Policy, particularly under the newly elected National Government and its centre-right coalition. It begins by assessing how Māori Foreign Policy creates a form of exceptionalism for New Zealand, highlighting its role in creating a unique and trusted identity for foreign markets like China (Section 1). However, the leadership change at the Ministry of Foreign Affairs and Trade (MFAT) under Winston Peters signals potential shifts in internal and external policy, which may undermine recent progress in recognising Māori rights promoting an “equal citizenship” or changing its international commitments and partnerships (Section 2). Finally, the chapter also explores the impact of societal unawareness and disinterest regarding Te Tiriti on the government’s flexibility in legislating with respect to Māori rights, contending its potential impact on New Zealand’s diplomatic capabilities (Section 3)

CHAPTER 1: The Treaty of Waitangi: Shaping New Zealand's Diplomatic Identity and Indigenous Politics

As stated in the introduction, the settling of British colonisers in New Zealand called for the establishment of a legal and cultural framework; leading to various changes aimed at forging a unified identity and governance structure. The most important being the Treaty of Waitangi | Te Tiriti o Waitangi, acknowledged as the foundational document of New Zealand. This chapter seeks to provide additional context to the central theme of this thesis: the role of Māori in diplomacy and foreign policy making.

Te Tiriti o Waitangi plays a vital role in shaping the interactions between indigenous and non-indigenous communities of New Zealand. To understand its significance in New Zealand society, the first section will explore its history, content and the divergences in its translation and interpretation by both parties. This examination will enable a deeper analysis of Te Tiriti's guiding principles, including the right to self-determination, the ownership of the land, and key Māori concepts such as *tino rangatiratanga*, *tangata whenua* and *kawanatanga*. Building upon the understanding of the rights of Māori outlined in Te Tiriti, the analysis will shift into the concept of politics of indigeneity in the following section. The concept acknowledges the indigenous people as legitimate a participant in New Zealand's political landscape and policymaking processes, domestically and internationally. Finally, the chapter will proceed to an examination of the application of the politics of indigeneity on the global stage. The United Nations has been instrumental in implementing significant measures to safeguard indigenous cultures and traditions, while acknowledging the indigenous peoples' rights to self-determination, self-governance, and the crucial right to prior, informed consent regarding issues that could affect their way of life. To this purpose, New Zealand's response to the UN initiative to elevate the status of indigenous peoples – and its initial reservations to do so – will be discussed.

Section 1. From Aotearoa to New Zealand, from Māori establishment to the framing of Māori-Crown relationship

The Treaty of Waitangi | Te Tiriti o Waitangi is considered the founding document of New Zealand that contributed to the establishment of relationships between British settlers and Māori. Far from being a Friendship Treaty, Te Tiriti aimed at establishing a set of rules to manage the co-existence of British subjects and Māori. In this sense, Te Tiriti is recognised as the first bilateral treaty signed by Māori, who were therefore considered legitimate and

capable of conducting international relations. In charge of drafting the text was naval officer William Hobson, who had no experience in politics or diplomacy, and did not know *te reo Māori* – Māori language – therefore, translations from English to Māori were operated by his son, Edward Williams. However, due to the absence of input from Māori in the translation work of Te Tiriti, it is generally acknowledged that William’s translations were inaccurate (1.1), leading to diverging interpretations thereof (1.2), necessarily impacting the political and legal uses that will be made of it (1.3).

1.1 The clashing translations of Te Tiriti: content and meanings

The Treaty of Waitangi is composed of three articles. Article the First outlines the conditions for the sharing of power in the country, Article the Second addresses the question of land and resource management, and Article the Third ensures that Māori enjoy equal rights and responsibilities as British citizens. However, the original English text and its translation in *te reo Māori* differ significantly, particularly for concepts such as sovereignty, governance, and self-determination.⁶⁰ Hugh Kawharu's translation aims to illustrate how Māori would have interpreted the document they signed. Below, the table compares the three versions.

The term **Kawanatanga**, which is Māori phonetical equivalent taken from English “government” means, in this context, “governorship”, but was used to translate the English term “**sovereignty**”. To Māori, governorship suggested a limited form of session and overseeing, rather than full and final authority over a nation – which is what the notion of sovereignty implies. On the other hand, the mistranslation goes on in article two, that uses the term “***tino rangatiratanga***” to describe the idea that Māori are ensured the “full exclusive and undisturbed possession” of their lands, forests and fisheries. However, to the English and the Crown, *Tino rangatiratanga* was understood as a form of property or ownership, when to Māori, the concept had a much deeper, layered meaning that can encompass chieftainship, self-determination or autonomy. This discrepancy in translation between the English and Te Reo versions of Te Tiriti o Waitangi continues to bolster significant legal and political challenges in New Zealand to this day.

⁶⁰ ‘Te Tiriti o Waitangi | The Treaty of Waitangi’. *Waitangi Tribunal - New Zealand Government*, <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/translation-of-te-reo-maori-text/>.

	ENGLISH	TE REO MAORI	INTERPRETATION
ARTICLE 1	<p><i>The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolute and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.</i></p>	<p><i>Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uri ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu - te Kawanatanga katoa o o ratou wenua.</i></p>	<p>« <i>The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.</i></p>
ARTICLE 2	<p><i>Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf</i></p>	<p><i>“Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu - ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua - ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.”</i></p>	<p><i>The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent</i></p>
ARTICLE 3	<p><i>In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects</i></p>	<p><i>Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini - Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani</i></p>	<p><i>For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.</i></p>

Table 1: Comparison of the different translations of the Treaty of Waitangi

However, critical errors were made in the drafting, translation and discussion of the document, which eventually led to considerable consequences for Māori and their *Rangatiratanga* – chieftainship. At the core, the intention of Hobson was to foster a sense of “nationhood” among the Māori, wherein they recognise Her Majesty’s sovereignty over the whole or any part of those island – establishing Aotearoa as a dominion. In *The Treaty of Waitangi, Its Origins and Significance*, Ross stated that “*the Treaty was ‘hastily and inexpertly drawn up, ambitious and contradictory in content, chaotic in its execution’*”⁶¹ Although discussions and debates were held following the introduction of the text to Māori Chiefs, the nature of the transfer of authority to the British Crown was minimised and no further explained. This makes Te Tiriti an inherently unequal treaty, where Māori had limited understanding of the consequences and implications of Te Tiriti due to errors in translation, rather than due to a lack of understanding of the concepts.

Besides, the use of a different vocabulary to refer to chieftainship, government and sovereignty remains particularly surprising when compared to the text of the Declaration of Independence, signed 5 years before. Although there was no clear definition or Māori equivalent to sovereignty, it included concepts such as *mana*⁶² and *kingitanga*⁶³, or *tino rangatiratanga*⁶⁴.

1.2 Interpretation and reception of Te Tiriti

1.2.1 Two opposite cultural approaches on the meaning of Te Tiriti

It has been recognised that not only the treaty effectively had different meanings depending on the translation, but also that its meanings varied also among people. The historian Tom Brooking added “*The Treaty meant different things to Māori and Pakeha in 1840 and has continued to do so ever since. To the Māori it was a sacred compact which suggested the possibility of an equal partnership. To most Europeans it was little more than a scrap of paper which made possible a convenient co-existence.*”⁶⁵

⁶¹ R Ross ‘Te Tiriti o Waitangi, Texts and Translations’ in *The Treaty of Waitangi, Its Origins and Significance* (Department of University Extension Victoria University of Wellington 1972) 30.
JMR Owens ‘New Zealand Before Annexation’ in WH Oliver and BR Williams (eds) *The Oxford History of New Zealand* (OUP Wellington 1981) 51–52.

⁶² As a verb, *Mana* means « to be legal, effectual, binding, authoritative, valid. ». (Source : Te Aka, Maori-English dictionary). As a noun, *Mana* is known as « prestige, authority, control, power, influence, status, spiritual power, charisma (Source : *Te Kōhure* Textbook (Ed. 2): 238-240).

⁶³ *Kingitanga* : kingdom, reign (of a king), dominion, majesty, nation, country.

⁶⁴ self-determination, sovereignty, autonomy, self-government, domination, rule, control, power.

⁶⁵ Mein Smith, 2005, p.44-45

On the one hand, Māori considered Te Tiriti as an instrument that captured Aotearoa's political mythology, culture and values, which deserved acknowledgement. Hours preceding Hobson greetings, Chief of Ngāti Kahungunu and future parliamentary representative of Eastern Māori, Tāreha Te Moananui, declared: « *We chiefs are the rulers and we won't be ruled over. If we were able to have a rank equal to you, that might be acceptable. But, if we are going to be subordinate to you, then I say, get back to your ship and sail away* »⁶⁶ The absolute necessity for Māori to ensure their ability to retain *rangatiratanga* showed through these debates, and the discussions surrounding the terms *sovereignty* and *kawanatanga* remained so ambiguous that an agreement was found. Britain would gain governorship over the territories it bought from Māori, and therefore would obtain the legal and material capacity to manage its colonies and its subjects.

On the other hand, as each of the Chiefs signed the Treaty in Waitangi, Hobson shook hands and repeated: "*He iwi tahi tatou—We are now one people*". By acknowledging the Crown as their sovereign, the Māori have established themselves as a governed people entitled to the same rights as British subjects. This reciprocal relationship implies that the Crown must uphold *rangatiratanga* and ensure the rights of the Māori under Te Tiriti. Failure to do so could prompt the Māori to call for the dissolution of the government, posing a credible threat to the Crown's sovereignty and dissuading it from undermining the principles of Te Tiriti. However, non-Māori communities quickly showed apathy towards the Treaty of Waitangi. Initially perceived as a symbol of colonial goodwill, it rapidly lost its significance and influence.

1.2.2 A text for the performances of the nation: Efficiency of Te Tiriti.

In *The Treaty of Waitangi: A Text for the Performance of Nation*, Philip A. Joseph contends that three elements have preoccupied literary theory when looking at the Treaty of Waitangi⁶⁷. First is the discovery of the authors' original intention – original intent theory – second is the exclusive concern with the text – new criticism – and third is the readers' interpretive activities – reception theory. The societal divide in New Zealand, with distinct cultural blocks unfamiliar with each other, has contributed to the vastly differing perspectives on Te Tiriti. It is then no surprise that some historians and external observers saw the Treaty as "*a text for the performance of the Nation*", in that it encapsulates the will

⁶⁶ Claudia Orange, *An Illustrated History of the Treaty of Waitangi*, Wellington, 2004, pp. 29–30

⁶⁷ Joseph, Philip A. "The Treaty of Waitangi: A Text for the Performance of Nation." *Oxford University Commonwealth Law Journal*, vol. 4, no. 1, 2004, p.4, <https://doi.org/10.1080/14729342.2004.11421434>

of the Crown to acquire the consent of Māori whether to endorse British rule. The existence of the document represented a shift in the Crown's behaviour towards its colonies and dominion, whose opinion and consent were never questioned during the colonisation process. This interpretation tends to paint histories of settler communities as “*success stories*”, demonstrating the Crown's ability to ensure the continuity of its institutions in its colonies, which conversely, denies the struggle of Māori in securing equal rights as the British subject and preserving their *taonga*.

Another interpretation of Te Tiriti suggests that it is the first document based on which Māori can make claims regarding the sharing of power between *tangata whenua* and the Crown. In this sense, the Treaty would not be used to delegitimise sovereignty, but as a reminder of its conditionality⁶⁸. Nonetheless, it rapidly became an instrument through which sovereignty would be acquired by the Crown and ripped off Māori's hands. Māori, who are accustomed to living in a cosmos of reciprocity, justice, and *utu* (justice and revenge), discovered themselves navigating through a constantly changing legal landscape, where they had to reclaim their rights, instead of acknowledging them as given. Things were not always as they appeared, and the Treaty, intended to safeguard their *rangatiratanga*, ended up being a means through which they forfeited it.

1.3 Legal use of the Treaty of Waitangi

Te Tiriti o Waitangi was not a matter of debate and division only because of its meaning, but equally for its scope, and the legal use that could be made of it, as it was a new addition to the legal and political organisation on Aotearoa. Initially, Māori were governed by *jus gentium* – which are the natural laws that apply to all people and resonate with their understanding of justice. However, with the arrival of settlers and the imposition of British rule, Māori were compelled to adhere to *jus civile*, the law of the nation. This shift required Māori to assert their legal claims and rights on their own land. Despite Māori's traditional understanding of land ownership based on genealogy, New Zealand was declared *terra nullius*, denying Māori full recognition of land ownership and political organisation. The

⁶⁸ Pocock, 'Waitangi as Mystery of State: Consequences of the Ascription of Federative Capacity to the Maori', in D Iverson et alia (eds), *Political Theory and the Rights of Indigenous Peoples*, 2000, pp25-26

imposition of the motherland's legal system on this "empty land" disregarded indigenous political and ownership rights.

1.3.1 The Tribunal of Waitangi: Guaranteeing the respect of the Crown's commitment under Te Tiriti

The treaty, being a novelty in New Zealand's legal landscape, still lacked the instruments for its enforcement. Additionally, with authorities showing limited interest, its practical use within the legal system became even less clear. Therefore, there arose a clear necessity for an institution capable of addressing claims by Māori regarding breaches of the principles outlined in Te Tiriti. This need was met by the establishment of the Waitangi Tribunal through the Treaty of Waitangi Act, which specifies the procedures for its referral.

The tribunal maintains a standing commission to investigate potential breaches of Te Tiriti by the Crown. It can issue recommendations to the government based on its findings from claim hearings and assess proposed legislation referred to it by the government to determine if the provisions align with Treaty principles⁶⁹ Originally, its jurisdiction was confined to events occurring after 1975, but its scope had broadened to encompass crown actions and omissions dating back to the signing of the treaty. Therefore, the Waitangi Tribunal is not merely an investigative body, but rather an entity that conducts historical examinations of the relationship between Māori and the Crown.

However, the Tribunal lacks the authority to enforce its recommendation, which means its influence depends on the government's attitude toward it.⁷⁰ A government that respects the Tribunal is likely to give more weight to its decisions, while a less receptive government may dismiss its remarks and recommendations. Ultimately, it is up to the government to decide to refer legislation to the Tribunal and consider its recommendations.

Some experts, including Sir Robin Cook, former President of the Court of Appeal, stated in his 1987 judgment on the New Zealand Māori Council case:⁷¹

⁶⁹ Treaty of Waitangi Act 1975 No 114 (as at 17 December 2022), Public Act – New Zealand Legislation. <https://www.legislation.govt.nz/act/public/1975/0114/latest/whole.html#DLM435504>. Accessed 17 May 2024.

⁷⁰ Te Puni Kōkiri. *He Tirohanga o Kawa Ki Te Tiriti o Waitangi - The Principles of the Treaty of Waitangi as Expressed by the Courts and the Waitangi Tribunal*. 2001, <http://www.tpk.govt.nz/en/o-matou-mohiotanga/crownmaori-relations/he-tirohanga-o-kawa-ki-te-tiriti-o-waitangi/>. P.74

⁷¹ *Ibid*

“As in the law of partnership a breach by one party of his duty to the other gives rise to a right of redress so I think a breach of the terms of the Treaty by one of its parties gives rise to a right of redress by the other—a fair and reasonable recognition of, and recompense for, the wrong that has occurred”

This implies that failure to implement a Waitangi Tribunal recommendation might, in some circumstances, itself be a breach of Te Tiriti, in that it ignores the duty of the Crown to consult with its treaty partner in the matters that are relevant to its *rangatiratanga*.

Hence, the 2006 UN Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples encouraged New Zealand to utilise the Tribunal more efficiently. The Rapporteur Rodolfo Stavenhagen suggested that: *“The Waitangi Tribunal should be granted legally binding and enforceable powers to adjudicate Treaty matters with the force of law”*.⁷² One should note that the judicial body in New Zealand that effectively has the power to adjudicate and enforce the principles of the Treaty of Waitangi is the Court of Appeal.

1.3.2 Statutory role of Te Tiriti

The professor and jurist Sir Edward Taihakurei Durie, who was also former Chairperson of the Tribunal of Waitangi and Chief Judge of the Māori Land Court, explains that Te Tiriti *“can mean different things to different people”*. According to him, it severely lacks *“the precision of a legal contract [...] and is more in the nature of an agreement to seek arrangements along broad guidelines”*.⁷³ Due to its broadness and imprecision, the Treaty of Waitangi could not be used as such in a legal context, and the general concepts it enacts need to be translated into actionable principles. The difference in translation causes additional difficulty in making the principles of Te Tiriti legally binding.

Therefore, the Tribunal is guided by what can be described as the spirit and intention of the Treaty, as well as the principles of international law – especially human rights, and rights of indigenous peoples. Some rules regarding Te Tiriti interpretation were set out in the

⁷²Stavenhagen, Rodolfo, and UN Commission on Human Rights *Special Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People*. Jan. 2006. [digitallibrary.un.org](https://digitallibrary.un.org/record/566046), <https://digitallibrary.un.org/record/566046>. p.20

⁷³ Chief Judge ETJ Durie *“Part II and Clause 26 of the Draft New Zealand Bill of Rights”, A Bill of Rights for New Zealand*. New Zealand Legal Research Foundation Auckland 1985.

Ngui Tuhu report of the Waitangi Tribunal of 1991.⁷⁴ First, the report acknowledges that in the case of bilingual treaties such as Te Tiriti that likely have two meanings, interpretation is necessary. Additionally, although some argue that neither version of the translated text is superior, the Tribunal admits that consideration of one text above the other should be in accordance with the *contra preferentem* rule – where ambiguity exists, the provision should be construed against the party which drafted it. In this case, the Treaty was drafted by the Crown and handed to Māori Chiefs, therefore the *te reo* version should be given precedence. Additionally, the report indicates that “*treaties are to be interpreted in the spirit in which they were drawn, taking into account surrounding circumstances and any declared or apparent objects and purposes*” and finally, recommended that *Te Tiriti* should acquire the status of a basic constitutional document.

The jurisprudence and proceedings of the Waitangi Tribunal have significantly shaped the understanding and application of principles derived from the Treaty of Waitangi. A pivotal moment in this regard is the ‘Land Case’, also known as the ‘State-Owned Enterprise Case’ of 1987, which marked the Court of Appeal's initial interpretation of the Treaty principles. The Court declared that “*Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi*” and strongly upheld the treaty and Crown obligations under it. The Court eventually determined “partnership” to be the key concept in defining the relationship of Treaty parties, which created responsibilities for both.

In this regard, it can be inferred that the fundamental principle of Te Tiriti o Waitangi is that cession to the Crown of the right to govern – *kawanatanga* – was in exchange for the protection by the Crown of Māori *rangatiratanga* – autonomy. Consequently, while the Crown has the authority to establish a unified legal system, the laws it enacts must ensure the preservation of *tinio rangatiratanga*, or Māori autonomy, concerning their lands and resources. The sovereignty of the Crown is not unlimited and absolute but conditional upon fulfilling this obligation.

⁷⁴ Stokes, Evelyn. ‘The Treaty of Waitangi and the Waitangi Tribunal: Maori Claims in New Zealand’. *Applied Geography*, vol. 12, no. 2, Apr. 1992, pp. 176–91. *ScienceDirect*, [https://doi.org/10.1016/0143-6228\(92\)90006-9](https://doi.org/10.1016/0143-6228(92)90006-9).

Conclusion of Section 1.

The concept of sovereignty appears to be a matter of perpetual debate between Māori and the Crown, debate of which the Treaty of Waitangi plays the role of mediator. However, the Treaty – or rather the way the treaty was written, translated and interpreted – comprises flaws, and hinders a definitive interpretation of sovereignty ownership and the parameters for its exercise. Each interpretation stands for a different reading of the words *Kawanatanga* and *sovereignty*, and more broadly, of Aotearoa New Zealand’s history. The Treaty of Waitangi can be considered the first International Treaty signed by Māori, which is especially significant as it both defines the conditions of the relationship between the Crown and Māori, as well as affirms Māori autonomy and legitimacy to engage in diplomatic relations, depending on which version of the Treaty’s principles the legislature adopts.

Section 2. Moving from a legal to a political framework: thinking the ‘Politics of Indigeneity’

This section will delve into the concept of indigeneity (2.1), prompting the question of how much control indigenous peoples have over decision-making, resource utilisation, and responding politically to Western colonial influences. This discussion will emphasise the importance of establishing political communities and the necessary structures to legitimise indigenous claims, while dispelling misconceptions about their ability to self-govern (2.2). The following development will assert that acknowledging indigeneity in Aotearoa through *tinu rangatiratanga* would allow a more proactive and relationship-centred approach to policymaking (2.3), better aligning with the principles of Te Tiriti o Waitangi.

2.1 Leveraging indigeneity to create a political community

Although the core substance of indigeneity lies in the idea of *being* indigenous, this concept is not solely related to the historical and spiritual link a people have developed with its land. Indigeneity can be defined as a relational phenomenon, that replicates broad ideological, political and geographical trends.⁷⁵ On the one hand, indigeneity carries a strong sense of differentiation, and historically refers to everything that is *not* from the West – which was therefore used to justify and instrumentalise the domination over indigenous people and the control taken over their resources. Indigeneity, as a socially constructed and politicised

⁷⁵ Ioris 2023

concept, raises the question of the autonomy of indigenous people to make decisions for themselves, mobilise their resources and provide a political response to the politics of appropriation or subordination enforced by Western colonial powers.

On the other hand, the reinterpretation of indigeneity from a decolonial and post-colonial perspective has proven critical for the numerous indigenous communities who were seeking recognition of the prejudices caused by their settlers – both in terms of material colonial appropriation, and in terms of the discrimination and indifference experienced daily.⁷⁶ Consequently, as suggested by Ioris, indigeneity is a valuable resource expressing itself simultaneously in two ways: first, it helps reinforce the unity of communities who share common ethnic origins, and second, it *“helps to connect specific socio-spatial demands with the equivalent political agendas of other subaltern groups inserted in comparable relations of property and production.”*⁷⁷

To describe the transnational movement of connecting indigenous agendas, some would rather refer to “indigenism”⁷⁸; the shared experience of marginalised and discriminated groups facing forceful displacement, exploitation of resources and assimilation politics contributed to the creation of a phenomenon grounded in international networks. In this sense, “indigenous” is not only a legal category and analytical concept, but also an expression of identity implying a feeling of pride and collective attachment. This feeling is, originally, the common will to protect and promote the rights and culture of first peoples around the globe, prompting a call for a more political interpretation of the term.

In this context, both indigeneity and indigenism suggest the formation of a unified political stance for indigenous peoples. They come together, establishing relationships grounded in their shared experience of indigeneity, to collectively voice their concerns on the challenges they confront as a subaltern group. They also underline the struggle of indigenous people to maintain and affirm their right to self-determination, which is essential in constructing stable and solid structures to express their concerns and assert their rights under international and domestic law. Recognising the existence of the right to self-determination is fundamental to understanding indigeneity; that it is not merely assumed or considered as a given, but rather an integral aspect of indigenous identity. It serves as the cornerstone for defining indigenous peoples as a distinct political entity. This political

⁷⁶ Ioris, 2023, p.5

⁷⁷ Ioris, 2023, p.11

⁷⁸ Niezen, 2003, p. 29

community ultimately necessitates appropriate structures for its expression and dedicated political institutions to support those very distinct communities.

In the case of New Zealand, the establishment of different *hapu* and *iwi*⁷⁹ under a common Māori identity – although it emerged from the differentiation between the colonial British and the *tangata whenua o Aotearoa* – has enabled them to build a political community based on their specific indigeneity. The establishment of this political community was an important prerequisite to the creation of a structure that would assist Māori in transforming their requests into legitimate, credible and politically accepted claims.

2.2 Indigenous political agency

2.2.1 Progressively introducing a new approach to engage with Māori

Although, as previously explained, Indigenous peoples have sovereignty *per se* because of their ancestral occupancy of the lands, they lack both the political and legal structures to express this right. The following aims to explain the motivations for creating an indigenous political agency, and the logistics of its implementation in Aotearoa New Zealand.

To properly express their interests, indigenous populations should be provided with structures of equal weight as that of the government that can produce similar effect in the political realm, which is embodied in the concept of political agency. Political agency applies to both domestic and international context, where different structures, states, and organisations provide structure for a form of collective acting, rather than being an addition of different “actors”.⁸⁰ However, political agency can only be seen as legitimate when formulated and presented by a group that is regarded as capable of self-governing. While indigenous populations are indeed capable of governing themselves, there exist a widespread misconception of indigenous peoples' incapacity for self-governance. The primary issue arises from the suppression or significant alteration of structures for self-governance, which prevents the production of effective systems of governance, despite indigenous' inherent capability to govern.

The increasing political assertiveness of Māori in the 1970s and 1980s, as well as the progressive recognition of the legitimacy of Māori claims, especially in regard to court cases

⁷⁹ Sub-tribe and tribe

⁸⁰ Tennberg, 2010, p.267

that have concluded the existence of the “principles of The Treaty of Waitangi”, encourages politicians – Māori and Pākehā – to adopt a new framework for Aotearoa’s politics. Biculturalism was chosen as a strategy to engage with Māori in a constructive and actionable way. According to Linden⁸¹ “*genuine bi-culturalism acknowledges a partner relationship between two equals involving power-sharing and distribution of resources*”. In this regard, proper, independent but connected structures must be created to uphold the principles of biculturalism. At first, the expression of such a framework appeared cautious. One of the earliest signs of a shared sovereignty translated into the adoption of a constitution by the Anglican Church of New Zealand in 1990 who provided Māori and Pasifika components of the church with an equal status to that of Pākehā component. It introduces this new rule as well as it defined the concept of *tikanga*, that is “social organisation, language, laws principles and procedures” that are unique to each partner of the Treaty and shall be respected in each case. Another singular example is that of the 1998 Rugby World Cup that hosted both a New Zealand Māori team in addition to the New Zealand national team. Although punctual, these examples show a slow adaptation to the new bi-cultural principle that spread throughout all areas of society, and necessarily in popular opinion.

2.2.2 Reaching bi-culturalism at state-level

In politics, Māori electorates or “Māori seats” had already been introduced in 1867 under the Māori Representation Act, which provides for the representation of Māori in Parliament to the extent of 4 seats out of 70. As of today, there are 7 Māori seats out of 72, representing just 10% of the population, despite Māori comprising 16 to 18% of New Zealanders.⁸²

Te Tiriti o Waitangi and its jurisprudence provide for tribal control over resources, or treasures – *taonga* – as well as *iwi* rights to negotiate directly with the Crown for grievance solutions. Three structural components should therefore support *tinio rangatiratanga* (self-determination): *mana a iwi* (tribes and sub-tribe⁸³), *mana a tangata* (Māori community interests) and *mana Māori* (national Māori representation). In this regard, right to self-determination implies a separate power base for Māori to express their sovereignty, constituted of independent parallel institutions for reformulating Māori-Crown relations. To

⁸¹ Linden, W. *Swiss Democracy*. St Martin’s Press, 1994. Cited in Ivison, Duncan, et al., editors. *Political Theory and the Rights of Indigenous Peoples*. Cambridge University Press, 2000.

⁸² Statistic New Zealand “2018 Census place summaries”. Stats.govt.nz. Published 23 September 2019.

Online. Accessed 7 August 2023. <https://www.stats.govt.nz/tools/2018-census-place-summaries/new-zealand>

⁸³ Iwi: Trie / Hapu : kinship group, subtribe

this day, the Tribunal of Waitangi is responsible for advising the Government and the Court on matters relating to the rights enacted in Te Tiriti, when the New Zealand Māori Council holds the position of statutory representative body for Māori that is also responsible for policy-making and policy-development under the Māori Community Development Act of 1962.⁸⁴ The Māori Party | Te Pāti Māori was founded in 2004 after splitting with the Labour Party of New Zealand to represent Māori's interests in politics by contesting for Māori electorates.

However, contrary to an authentic implementation of biculturalism, the model proposed by New Zealand's government appears as deceiving, and only partially meets the criteria for equal distribution of resources and power. New Zealand's political organisation does not fit in the definition of a bi-national arrangement, with relative and yet relational autonomy between peoples that are autonomous in their jurisdiction although they share sovereignty of society. Rather, Aotearoa's current political structure does not acknowledge a shared sovereignty, as per Te Tiriti, Māori ceded sovereignty to the Crown. Here, the mistranslation of the Treaty has clear consequences over the ability of Māori to gain and maintain political agency, by hindering their right to self-determination and by not creating appropriate political structures. The Tribunal of Waitangi, or Māori Council both have their advantage and represent a great opportunity for *tangata whenua* to voice their concerns. However, these bodies are not binding and are mostly use for pass on advice, that can then be considered or not by the Government. Additionally, there is neither a quota for minimum representation of Māori in Government, nor systematic consideration of Māori interest in the political, legal and judiciary structures. The implementation of adjunct, not alternative, political structures would therefore align with the objectives of self-governance. However, those can only work if they are supplemented by proper political engagement, translating into the concept of politics of indigeneity – allowing the peaceful coexistence of the two cultures in one society.

2.3 Beyond a political recognition, exercising Politics of Indigeneity

2.3.1 Tino rangatiratanga: basic principle to guide politics of indigeneity in Aotearoa

The politics of indigeneity suggests a form of shared political agency that provides for rights and needs of indigenous people, while considering the current political order. At

⁸⁴ *New Zealand Māori Council*. <https://www.nzmaoricouncil.org>. Accessed 13 May 2024.

its roots, it rejects domination and subjugation as the foundation of political order⁸⁵ and suggests that no culture should assert itself as the “norm” upon which politics are conducted. Fleras argues that it refers “to the right to be different in some sense and the same in others - the opportunity to live in the modern world while at the same time preserving one’s ancient cultural heritage”⁸⁶. As a result, politics of indigeneity does not challenge the legitimacy of the nation state. In the case of New Zealand, acceptance of Te Tiriti made it impossible for Māori to reject the legitimacy of the state but can question and revise its operation.

Politics of indigeneity suggests the creation of an independent political status for indigenous people within a broader state political space. In this sense, indigenous people “belong” to a national polity whilst still expressing their own cultural and political identity through their indigeneity.

In New Zealand, this concept is underlined by the term *tino rangatiratanga*. This contested term has had different meanings and interpretations throughout time, encompassing Māori sovereignty as well as self-management, iwi nationhood, independent power, Māori autonomy, absolute chieftainship or self-determination. It is certainly a cultural blind spot from which conflict arises between Māori and Pākehā. However, it is a crucial resource in the philosophical framework of New Zealand by which Māori are entitled to full participation in political affairs of their community and that of the nation. *Tino rangatiratanga* presents a political challenge against existing distributions of power and resources. *Tino rangatiratanga* precedes the Treaty of Waitangi and is not an element that was granted by the Crown; it is rooted in Māori occupancy rights and embodies the style of Māori culture which aims at fostering collaboration and constructive engagement between communities.

However, indigeneity does not claim to override the current national political organisation but calls for the simultaneous right of Māori to observe their cultural and linguistic traditions, to preserve and develop their resources according to their own life vision as a community. *Tino rangatiratanga* does not advocate separation or secession but encourages the development innovative patterns of belonging that uphold Māori values and rights as the cornerstone for establishing a new constitutional order.⁸⁷ Indigeneity is a key to

⁸⁵ Maaka and Fleras, 2000, p. 220

⁸⁶ *Ibid*

⁸⁷ Maaka and Feras, 2000, p.89

overall national progress, growth and harmony, as it provides the framework for conducting public affairs in a way that acknowledges identity as the basis for political decisions.

2.3.2 Practicing the politics of indigeneity, in domestic and foreign policymaking.

There is a strong need to reengage meaningfully with indigenous populations, which should not be limited to token measures, but will address the inherently political requests of Māori. The pluralistic composition of New Zealand as a state led some politicians to aim at building and maintaining a sense of “nationhood” thanks to a political structure common to Māori and Pākehā. However, such an objective led to the implementation of politics of assimilation, which can be associated with a “civilising” mission carried out by the Crown in Aotearoa. They dangerously compromise Māori wellbeing, and their inherent rights as indigenous people. In this regard, diversity is tolerated, but only to the extent that everyone is “*different in the same way*”.⁸⁸

There are abundant opportunities to effectively engage with indigeneity and implement measures that honour the rights of Māori to self-determination. This process begins with a fundamental shift of mindset. First, the politics of indigeneity call for a shift, from a needs-based perspective to a rights-based approach. Where the former advances that political response to Māori claims is compelled by an identification of *needs* expressed by the community, the latter acknowledges indigenous rights – here, Māori rights – as first people of New Zealand and as a political community to participate in political affairs. The depiction of indigenous people as disadvantaged, “marginal” and minority groups has hindered their ability to effectively engage with national politics and diverting attention away from deeper structural issue by addressing the superficial part of the problem.

The acknowledgment of Māori as rightful custodians of sovereignty in Aotearoa fosters state-indigenous interactions grounded not in mere objectives, but rather in the cultivation of enduring and sustainable relationships. In this perspective, the processes engaged are hold greater significance than their immediate outcomes. This is part of a broader process, largely driven by indigenous cultures, and particularly within Māori culture, known as the principle of relationality. This principle applies not only to intra-state relations between the State and indigenous peoples, but also to foreign relations that the concerned State decides to conduct in alignment with its politics of indigeneity.

⁸⁸ Maaka and Fleras, 2000, p107

Conclusion of Section 2:

The politics of indigeneity underscores the necessity for shared political agency and recognition of indigenous rights. Introducing adjunct political structures alongside existing frameworks can facilitate self-governance whilst honouring diverse cultural identities. Rejecting domination and embracing inclusivity in political processes ensure that voices of Māori are duly acknowledged and respected. In this regard, the United Nations has increasingly incorporated indigenous matters into its agenda, to create spaces where those concerns could be voiced and understood.

Section 3. Engaging with the international community in indigeneity: the case of UN Treaties

As mentioned previously, indigeneity is a concept developed through the transnational movement of people who gathered under a common “indigenous identity”. Therefore, politics of indigeneity are not limited to domestic application, but invites the international community to reflect on better practices to uphold the rights of first peoples.

3.1 First steps into an international recognition of the rights of indigenous people

3.1.1 Seeking recognition through isolated attempts

The journey of indigenous populations to defend their rights on the international stage did not start with the United Nations but with the League of Nations. In 1923 Chief Deskaheh from the Haudenosaunee in Canada travelled to Geneva, shortly followed by Māori religious leader T.W. Rātana (Ngāti Apa) in 1925, where they were both denied access.⁸⁹ Apart from these two punctual occurrences, indigenous peoples and their communities were largely unaware of their shared struggle, and the widespread nature of these struggles experienced by their counterparts globally. There was no international forum, transnational movement or platform that granted indigenous communities the space to voice their concerns or advocate for recognition. Indigenous Affairs were considered internal affairs. As indigenous communities became absorbed into the prevailing system, they were

⁸⁹ Ballara, Angela. ““Rātana, Tahupōtiki Wiremu - Ratana, Tahupotiki Wiremu””. *Dictionary of New Zealand Biography*, Firstly published in 1996-Accessed through Te Ara-the Encyclopedia of New Zealand, Ministry for Culture and Heritage Te Manatu Taonga, <https://teara.govt.nz/en/biographies/3r4/ratana-tahupotiki-wiremu>. Accessed 17 May 2024.

deprived of their rights to self-governance and self-determination and excluded from meaningful participation in political or diplomatic discourse.⁹⁰

The International Labour Organisation (ILO) was one of the first specialised agencies of the UN to actively consider “indigenous” or “native” issues in their agenda. However, the ambitious initial efforts and dedication to bring up the issues relative to native populations and potential approaches to address them, had been offset by proportionally deceiving outcomes. After a very active period between 1953 and 1957, their effort culminated in the adoption of two basic texts, the *Convention on indigenous and tribal population of 1957* and *Recommendation 104* of the same name⁹¹. The Article 2.1 of the Convention assigns governments with the responsibility of “*developing co-ordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries*”. Additionally, since these texts were non-binding, the Convention gradually lost its impact.

3.1.2 Formally addressing indigenous concerns: the 1987 Study of the problem of discrimination against indigenous peoples

To progress those initial attempts from the ILO, the UN called for the establishment of a specialised body aimed at addressing issues concerning Indigenous peoples. In this regard, *The Study of the problem of discrimination against indigenous populations* by José R. Martínez Cobo, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities – now the Human Rights Council Advisory Committee – is a groundbreaking document. Responding to raising transnational movements of Indigenous people, José Martínez Cobo was assigned with the significant task to establish a set of recommendations and measures, at the national and international level, for eliminating discriminations against indigenous peoples.⁹² In the past, only partial recommendations on indigenous matters had been made in certain UN resolutions but were never the principal subject of an official text.

⁹⁰ Niezen, 2003, p.29

⁹¹ Recommendation R104 - Indigenous and Tribal Populations Recommendation, 1957 (No. 104). See chapter II, paras. 31-134, and annex I

⁹² ‘Indigenous Peoples at the United Nations | Division for Inclusive Social Development (DISD)’. *Department of Economic and Social Affairs*, <https://social.desa.un.org/issues/indigenous-peoples/indigenous-peoples-at-the-united-nations>. Accessed 24 Apr. 2024.

The Study introduces several concepts and definitions overlooked in previous works, notably a working definition of “indigenous communities, peoples and nations”,⁹³ providing an intellectual framework to contemplate this definition and its applications. The definition reads as follows:

“379: Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions, and legal system.”

This definition marks a significant step forward by acknowledging, for the first time, the rights of indigenous peoples to determine their own identity and membership. It lays the groundwork for establishing the right to self-determination. In the document, paragraphs 150 to 153 elaborate on this and specify that “*when the indigenous populations have expressed their determination to preserve their traditional culture, this desire should be respected, and appropriate measures taken in consultation with the indigenous populations and with their participation.*”⁹⁴ It does not only recommend to implement prevention measures and sanction mechanism, but also to be proficient in the recognition and protection of indigenous rights to preserve and uphold their culture and traditional practices to future generations, without being obstructed by domestic policies of the State. It defines self-determination as “*a basic pre-condition if indigenous peoples are to be able to enjoy their fundamental rights and determine their future, while at the same time preserving, developing and passing on their specific ethnic identity to future generations.*” (art 269).

Nonetheless, granting indigenous people the right to self-determination requires the State to establish the necessary frameworks and institutions to carry such a mission, which most states were reluctant to do.

⁹³ Martínez Cobo, José R.,. *Study of the Problem of Discrimination against Indigenous Populations. Volume 5, Conclusions, Proposals and Recommendations.* United Nations, 1987, p. 29. digitallibrary.un.org, <https://digitallibrary.un.org/record/133666>.

⁹⁴ Martínez Cobo, José R, 1987, p.13

3.2 Establishment of formal international instrument: paving the way to the UN Declaration of the Rights of Indigenous Peoples

3.2.1 The Working Group of Indigenous Populations (WGIP), Permanent Forum and Expert mechanism

Following the publication of the *Study*, the Working Group of Indigenous Populations (WGIP) was established as a subsidiary body to the Sub-Commission on the Promotion of Human Rights. The WGIP served as a platform for Indigenous Peoples to voice their concerns, share their claims at the UN level and lobby for increased attention to indigenous affairs. However, it only benefitted from the lowest hierarchical position within the United Nations, thus limiting its scope of action: its recommendations had to be accepted by the Sub-Committee, the Commission on Human Rights and the ECOSOC Committee before reaching the General Assembly. Moreover, none of the experts comprising the Group were indigenous. Some even admitted that “*The establishment of the working group was both dramatic and modest*”⁹⁵.

Nonetheless, its first chairman, Asbjørn Eide, decided on the rules of procedures that allowed any indigenous person or indigenous representative to speak publicly. The WGIP became the most open body in the UN system⁹⁶ where states were not the only one allowed to speak, but where indigenous speakers or their representatives took part in the debate. They were notably able to report on the conditions faced by their communities, get heard by states and NGOs present and build a network through unformal exchanges. This eventually contributed to the development of an international indigenous identity and community, who was “*experiencing the same problems and struggling against the same alienation, marginalisation and sense of powerlessness*”⁹⁷

However, the discovery of international indigenous identity did not stop at simple recognition of the concept but encouraged indigenous groups to establish a permanent agency at the United Nations to discuss and work through indigenous matters. In February 2000, several meetings were organised to discuss the characteristics and logistics of such an agency, which was entitled the Permanent Forum on Indigenous Issues (PFII). Although

⁹⁵ Sanders, Douglas. “The UN Working Group on Indigenous Populations.” *Human Rights Quarterly*, vol. 11, no. 3, 1989, pp. 406–33. *JSTOR*, <https://doi.org/10.2307/762100>. Accessed 6 Mar. 2024

⁹⁶ Sanders, 1989, p. 408

⁹⁷ Dodson, Mick. 1998. “Linking International Standards with Contemporary Concerns of Aboriginal and Torres Strait Islander Peoples.” In *Indigenous Peoples, the United Nations, and Human Rights*, edited by Sarah Pritchard. London: Zed/Federation

granting indigenous representatives' equal status to that of state and the same voting power, the agency did not have decision-making power or the power to resolve conflict.

In year 2007, the Expert Mechanism on the Rights of Indigenous Peoples was established as subsidiary body to the Human Rights Council. The Expert Mechanism, made up of five experts in indigenous rights, provides the UNHRC with expertise and advice on the rights of indigenous people in the form of research and studies. It holds an annual session where indigenous representatives, states representatives, Indigenous Peoples Organisations and academia take part. Nowadays, the primary goal of the UN Expert Mechanism is to aid member states in effectively implementing the United Nations Declaration on the Rights of Indigenous Peoples.

3.2.2 Making their way to the UNDRIP

The United Nations Declaration on the Rights of Indigenous Peoples is, to this day, the most comprehensive statement of Indigenous People's rights ever developed at an international level, granting collective rights "*to a degree unprecedented in international human rights law.*"⁹⁸ The Declaration is the result of over twenty years of work, initially spearheaded by the UN Working Group on Indigenous Populations starting in 1985. Eight years later, the first draft was completed and sent for approval to the Sub-Commission on the Prevention of Discrimination and Protection of Human Rights, receiving its endorsement the following year. Thirteen years elapsed between the first and second drafts, since the first version of the UNDRIP raised concern among Member States, thinking it would undermine their political autonomy, and associated indigenous right to self-determination with the loss of their country's "unity".

Indigenous representatives refused to amend the draft along with the rights it meant to enshrine, as it was considered as the sole way to break away from the colonial structures of government and colonialist mindset.⁹⁹ Lack of acknowledgement towards rights of indigenous people to self-determination would only further this framework and guarantee States the control over the indigenous peoples of their country. Eventually, the first draft was amended, not to delete mentions to self-determination, but to complete it with additional

⁹⁸ 'Indigenous Peoples at the United Nations | Division for Inclusive Social Development (DISD)'. *United Nations Department of Economic and Social Affairs*, <https://social.desa.un.org/issues/indigenous-peoples/indigenous-peoples-at-the-united-nations>. Accessed 17 May 2024.

⁹⁹ Hanson, Erin. 'UN Declaration on the Rights of Indigenous Peoples'. Indigenous Foundations, 2011, https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/

safeguards for states, notably Article 46, after which the United General Assembly adopted the text on Thursday 13, 2007.

“Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States” (article 46 of the UNDRIP)

The UNDRIP was adopted by a majority of 143 states in favour, 11 abstentions, and 4 states against, that are the United States of America, Canada, Australia and New Zealand. The four countries, sharing colonial histories, had similar concerns, especially regarding the recognition of a certain level of autonomy for their indigenous or first nations peoples. By acknowledging the right to self-determination of indigenous people in their country, these states were concerned that their ability to govern and their sovereignty would be undermined, especially in terms of land management, resources extractions and exploitation.

To justify their refusal to sign the UNDRIP, the four countries have put forward three major arguments. First, they referred to their track records of domestic policies, which they had implemented to acknowledge and guarantee indigenous rights and explained that the UNDRIP was, to some extent, both incompatible with some of their policies and unnecessary regarding some others. Second, they pointed out that some countries, who voted in favour of the Declaration, do not appear to uphold the minimum standards to guarantee indigenous rights. Lastly, they argued that some provisions of UNDRIP could negate existing human rights obligation under other international treaties – although article 46 of the UNDRIP explicitly prioritise international human rights.

3.3 Which implementation for New Zealand? From a strict opposition to a slow consideration

New Zealand showed reluctance to the text of the Declaration early on during the writing process. A statement by the Ministry of Foreign Affairs and Trade (MFAT) in May 2006 to the Permanent Forum on Indigenous Issues expresses that *“It is disappointing that another objective of that decade - to elaborate a Declaration on the Rights of Indigenous*

Peoples - has not been met”¹⁰⁰. According to the representative Mr Clive Pearson, the Declaration is a setback compared to the objectives of the Forum as it failed to reach a consensus among its members, therefore remaining “fundamentally flawed”. New Zealand has been particularly critical of the text, advancing that “*any attempt to put this text forward for endorsement in the United Nations would be disingenuous and irresponsible.*” and would “*establish a dangerous precedent*”¹⁰¹. Several provisions of the Declaration were criticised prior to its adoption by the UN General Assembly (3.3.1), yet the efforts of advocates led to a slow an imperfect implementation (3.3.2)

3.3.1 Newly enshrined principles

Self-determination (art 3)

Article 3 of the UNDRIP, states “*Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development*”. However, MFAT expressed its concerns regarding this article, stating that it could highly disturb the continuity of political life in New Zealand, that has strived to build trusted relationships between Māori and Pākehā. The newly acquired right to self-determination could therefore “*be misrepresented as conferring a unilateral right of self-determination and possible secession upon a specific subset of the national populace*”¹⁰² However, this explanation was ultimately dropped, as it is missing from the Explanation of Vote by New Zealand of 13 September 2007¹⁰³. It can be explained by the concessions made by indigenous people as per Article 46 of the UNDRIP, another suggests that, facing an overwhelming majority, it would have been hypocritical and politically disadvantageous to object to Māori self-determination, especially anticipating general elections the next year.¹⁰⁴

¹⁰⁰ Pearson, Clive. ‘Statement by Mr Clive Pearson, Head of the New Zealand Delegation to the Permanent Forum on Indigenous Issues on Behalf of Australia, New Zealand and the United States of America on the Declaration on the Rights of Indigenous Peoples’. *Permanent Mission of Australia to the United Nations*, 17 May 2006, https://unmy.mission.gov.au/unmy/soc_170506.html.

¹⁰¹ *Ibid*

¹⁰² *Ibid*

¹⁰³ https://cendoc.docip.org/collect/cendocdo/index/assoc/HASHbdd4/d850e435.dir/nwezealand_expl.pdf

¹⁰⁴ Solomon, Naomi. ‘Was the New Zealand Government Justified in Voting against the Declaration on the Rights of Indigenous Peoples? | NZETC’. Te Kawa a Māui, Victoria University of Wellington, vol. 0, no. 1, 2009, <https://nzetc.victoria.ac.nz/tm/scholarly/tei-Bid001Kahu-t1-g1-t4.html>.

Participation and engagement with political life articles 4, 18, 19, 32)

Some of the newly established, yet rapidly criticised provisions of the UN Declaration addressed the need for “*free, prior and informed consent*” regarding legislative measures that may affect them (article 19) and projects affecting their lands, territories, or resources (art 32). If the consent of the indigenous population was not obtained, the government should drop the policy or proceed to negotiate its terms. However, New Zealand Government has argued that the creation of a *de facto* veto right, would cancel out the concept of equality before the law and Parliamentary sovereignty, create classes of citizenship, and therefore breach the UN Convention on racial discrimination.¹⁰⁵ Accordingly, article 4 of the UNDRIP provides indigenous peoples with “*the right to autonomy or self-government in matters relating to their internal and local affairs*” while article 18 confirms that Indigenous people benefit from “*the right to participate in decision-making in matters which would affect their rights.[...]*” Nonetheless, representatives have argued that New Zealand “*already supports the full and active engagement of indigenous peoples in democratic decision-making process*” with 17% of their Parliament identifying as Māori and “*some of the most extensive consultation mechanisms in the world*”.¹⁰⁶

Redress (article 8, 11, 20 and 28)

Articles 8, 11, 20 and 28 of UNDRIP provide that Indigenous people have the right to redress in a plethora of situations. From land, territories, resources and compensation, compensating the deprivation from means of subsistence or for redressing any action “*which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities*”. Naomi Solomon¹⁰⁷ notes, however, that while the governments claims that it cannot provide compensation for the whole land mass of New Zealand, it acknowledges in the same statement that “*New Zealand has an unparalleled system for redress [...]* Claims to over half of New Zealand's land area have been settled”¹⁰⁸. Moreover, Solomon considers the government ‘s position “absurd” because “*if the existing Treaty of Waitangi settlements*

¹⁰⁵ Pearson, Clive. ‘Statement by Mr Clive Pearson, Head of the New Zealand Delegation to the Permanent Forum on Indigenous Issues on Behalf of Australia, New Zealand and the United States of America on the Declaration on the Rights of Indigenous Peoples’. *Permanent Mission of Australia to the United Nations*, 17 May 2006, https://unmy.mission.gov.au/unmy/soc_170506.html.

¹⁰⁶ Banks, Rosemary. Explanation of Vote by New Zealand Permanent Representative H.E. Ms Rosemary Banks on the Declaration of the Rights of Indigenous People. New Zealand Mission to the United Nations, 13 Sept. 2007,

¹⁰⁷ Solomon, 2009

¹⁰⁸ Ibid

process is 'unparalleled and extensive' then there should be no problems in complying with Article 28."¹⁰⁹

Lands, territories and resources

Lastly, Article 26 provides that “*Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired*”. However, MFAT representative at the Permanent Forum retorted that such provisions were “unacceptable and unworkable” since it ignores the fact that some indigenous lands are now lawfully owned by other citizens both indigenous and non-indigenous. After the vote, the representative to the General Assembly even advances that “this Article implies that indigenous people have rights that others do not have”. Despite being presented very seriously, this statement demonstrates how the New Zealand government was acting in bad faith, reinforcing the preconception that granting more rights to a minority would diminish the rights of the majority, when in fact it contributes to dismantling the system of privileges in place.

3.3.2 Implementation and drawback

The Explanation of Vote by New Zealand representative concluded therefore that the present Declaration should not change the commitments of the Crown towards Māori under the Treaty of Waitangi. For several years following this decision, Te Pāti Māori, the Labour Party and the Green Party of New Zealand advocated the ratification of the document. A ministerial briefing document from 5 February 2009¹¹⁰ edited by the MFAT suggested that an inter-departmental process led by a domestic agency should offer advice to the Cabinet on the possible implications of supporting the DRIP. Another document from 13 May 2009 issued by MFAT suggested that, because the Declaration is not an instrument of Treaty Status, the support of the government could be done by a simple announcement. However, it warns that “*such a statement would provide the strongest basis [for the public to perceive this as] the Government’s commitment to implement it fully*”. In 2010, the Minister of Māori Affairs, Hon Dr Pita Sharples, appeared before the United Nations Permanent Forum on

¹⁰⁹ Ibid

¹¹⁰ Ministerial briefings Prior to the April 2010 decision of the NZ government supporting the UNDRIP. Published under the Official Information Act. Accessible through: <https://urls.fr/aAPsiD>

Indigenous Issues to announce New Zealand's support for the UNDRIP.¹¹¹ Criticism arose regarding this announcement, notably on the genuine intentions of the National Government on this adoption, especially since their policy choices let little to no decision-making capacity to Māori. From 2010 onwards, the New Zealand government accepted several recommendations including by New Zealand's second Universal Periodic Review in 2014, which recommended to “take concrete measures to ensure the implementation and promotion of the Declaration”.¹¹² In 2019, New Zealand, in a joint request with Māori and state parties, sought the support of the Expert Mechanism on the Rights of Indigenous Peoples in the development of a systematic national plan to implement the UNDRIP.¹¹³ The Expert Mechanism was then able to plan visits to Māori communities in Auckland and Wellington and creates times of dialogue between state and Māori representatives¹¹⁴. The goal of this visit was also to establish a strategy to achieve the ends of the UNDRIP within New Zealand's constitutional arrangement under Te Tiriti.

Conclusion of Chapter 1:

New Zealand is fundamentally grounded in a politico-legal system that recognises biculturalism, stemming from the coexistence between the Māori and the British Crown. However, the rights and duties of each party have been poorly defined due to discrepancies in the translation and interpretation of the Treaty of Waitangi. This is a significant issue, as Te Tiriti is recognised as a constitutional document, which leads to question the extent of Māori's ability to claim to participate in the policy-making process. Additionally, this implies that depending on whether the government in power is receptive to Te Tiriti matters or not, they might grant it more or less importance in policymaking. The Treaty of Waitangi, calling for engagement with Māori communities, invites to explore ways to realise the concept of “politics of indigeneity”. Such politics requests a recognition of the legitimacy of indigenous peoples to participate in governmental affairs and would involve the incorporation of cultural and legal practices of the relevant indigenous culture. The study of the implementation of

¹¹¹ *Ministerial Statements — UN Declaration on the Rights of Indigenous Peoples—Government Support - New Zealand Parliament*. 20 Apr. 2010, https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20100420_00000071/ministerial-statements-un-declaration-on-the-rights-of.

¹¹² Report of the Working Group on the Universal Periodic Review: New Zealand, 7 April 2014, A/HRC/26/3, at para 128.89. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NZSession18.aspx>.

¹¹³ Carpenter, Kristen, and Alexey Tsykarev. ‘Indigenous Peoples and Diplomacy on the World Stage’. *AJIL Unbound*, Jan. 2021, <https://doi.org/10.1017/aju.2021.7>.

¹¹⁴ Expert Mechanism on the Rights of Indigenous Peoples, Technical Advisory Note—Country Engagement Mission (8 – 13 April 2019)—New Zealand (July 14, 2019).

the UNDRIP provides an example of politics of indigeneity. A framework within which New Zealand could navigate to address the claims, but more importantly, the rights of Māori individuals on the territory – although it expressed some reluctance to do so in the early years of the UNDRIP.

The second Chapter will seek to provide a more comprehensive overview on the applications of ‘Politics of indigeneity’ in Foreign Policy Making, which would be rooted in Aotearoa’s history and Māori culture.

CHAPTER 2: Bridging Cultures: Māori Engagement in New Zealand's Foreign Affairs - *How does a “Māori Foreign Policy” materialise?*

The concept of politics of indigeneity calls for increased government engagement with Māori, by creating structures that would enable the participation of both parties, as members of a shared political community¹¹⁵. This concept also extends to the realm of foreign affairs, where indigenous peoples, as legitimate political actors with a capability to self-govern, could waive their rights to participate in state diplomatic relationships. This dynamic can be understood as a form of Indigenous Foreign Policy “*rooted in mutual respect for – and recognition of – the agency of Indigenous peoples as sovereign nations with whom the state is in a shared political community.*”¹¹⁶ In often case, sharing this political community implies a shared respect of each parties’ constitutional order. In Aotearoa, the Treaty of Waitangi, jurisprudence and official statements have affirmed the rights of Māori to be informed on foreign policies that could directly impact them.

However, in some cases, indigenous foreign policies can be viewed as the process by which the diplomatic skills of indigenous people are utilised to engage in diplomacy at the state level. In this sense, Indigenous people, culture, knowledge, practices and values are seen as assets for conducting foreign policy, to align with a bicultural framework established by the state.¹¹⁷ Embracing and acknowledging indigeneity can serve as a powerful tool to strengthen the state, bolster its position on the international scene and convey a positive image of the nation. The Māori Foreign Policy introduced by Minister Nanaia Mahuta is a comprehensive mechanism to realise this embrace of indigeneity.

This chapter will present the various mechanisms established by Aotearoa to involve Māori in foreign policymaking, as well as the reasons that guided their implementation. First, it will explore trade mechanisms that reflect the commitment to embrace a Māori approach to foreign policy as per the government’s legal responsibilities under Te Tiriti. Secondly, an overview of Māori value system, philosophical and spiritual concepts will be provided. This will allow for a better understanding the relevance of their application within diplomatic relationships. The final section will aid in illustrating the implementation of this Māori framework in foreign policy, notably thanks to an interview led with Nanaia Mahuta.

¹¹⁵ Cochran, 2022, p.3

¹¹⁶ *Ibid*

¹¹⁷ *Ibid*

Section 1. Trade serves as a driving force to advance the principle of protection, participation, and partnership between Māori and the Crown.

State-sponsored trade and the signing of trade agreements between countries remain major diplomatic activities for governments. Economic diplomacy can be described as the use of international political tools – that is diplomacy – to achieve economic objectives and secure national benefits through trade relationships.¹¹⁸ In New Zealand, although there is one Ministry of Foreign Affairs and Trade (MFAT or *Manatū Aorere* in te reo), three Ministers oversee different agendas of MFAT (Foreign Affairs, Trade and Climate Change), demonstrating that trade is critical to New Zealand, and particularly to its economy. The welfare of the population significantly relies on imports, owing to Aotearoa's island geography. Despite ranking as the 12th largest exporter of agricultural goods by value¹¹⁹, the nation relies on imports for commodities such as vehicles, machinery, minerals, fuels, and plastics.¹²⁰ In 2012, exports from the Māori economy generated an estimated \$3.4 billion, accounting for 5.6 percent of New Zealand's total exports. The significant contribution of Māori to international trade underscores the importance of engaging with them on trade agreements that may affect them. Consequently, the Ministry of Foreign Affairs and Trade (MFAT) has progressively developed policies and strategies aimed at safeguarding Māori rights by actively consulting with them on various trade-related matters. This engagement particularly responds to the Treaty principles that call for participation, protection and partnership between Māori and the Crown.

1.1 Setting the framework for the realisation of the principles of participation, protection and partnership: the 2001 Cabinet Guidelines

In 2001, New Zealand's Cabinet External Relations and Defence Committee submitted a set of guidelines to foster engagement with Māori in international treaty negotiations.¹²¹ Previously, the Cabinet had considered the paper entitled *United Nations*

¹¹⁸ Yakop, Mina, and Peter Van bergeijk. 'The Weight of Economic and Commercial Diplomacy'. *International Institute of Social Studies of Erasmus University (ISS), The Hague, ISS Working Papers - General Series*, Aug. 2009. p. 8 *ResearchGate*, <https://doi.org/10.2139/ssrn.1469137>.

¹¹⁹ "NZ Trade Policy" *New Zealand Ministry of Foreign Affairs and Trade*, <https://www.mfat.govt.nz/en/trade/nz-trade-policy/>. Accessed 25 Apr. 2024.

¹²⁰ "Overview of New Zealand's Trade in 2021". *New Zealand Ministry of Foreign Affairs and Trade*, 10 Mar. 2022, <https://www.mfat.govt.nz/en/trade/mfat-market-reports/an-overview-of-new-zealands-trade-in-2021/>. Accessed 25 Apr. 2024.

¹²¹ "International Treaties: Strategy for Māori Engagement" Cabinet External Relations and Defence Committee, 2001. This document was shared in confidence with me by one of the interviewees.

Treaties: New Zealand Participation (ERD M12/2 refers)¹²², which contained preliminary comments on the development of a national strategy of engagement with Māori to ensure their input is sought on international issues pertinent to them. The Guidelines provide significant recommendation for the engagement with Māori during trade negotiations (1.1.1) but remain limited by their flexibility (1.1.2)

1.1.1 Scope, application and impact

The 2001 Cabinet Guidelines specify that “Māori should, wherever possible, be kept fully informed of ongoing treaty issues through the distribution of a six-monthly report of treaties considered by the government”.¹²³ According to this paper, Māori consultation should start at the early stages of Treaty consideration or negotiation, throughout the process and after the process of Treaty-making. Interviewee A explained on this matter:

*"We now have an established, dedicated engagement programme to ensure that Māori can participate in the negotiation process and share their specific interests, perspectives and expectations in relation to trade negotiations. This includes information sharing, which has helped to shape negotiation positions. In some instances, we have worked closely with Māori to shape policy positions and text proposals."*¹²⁴

According to the MFAT official, the engagement takes the form of an inquiry to Māori, where a piece or a chapter of a Treaty is presented, and they are asked for their advice, or rather for *"to identify specific interests, issues or concerns"*¹²⁵. The advising team then proceeds to further negotiations to reach a point of agreement between Māori and the Crown.

Additionally, MFAT grants New Zealand's civil society the chance to express its opinion in different ways, notably by submitting to the Ministry on policies being discussed or participate in consultation meetings. In the case of engagements with Māori, the Government provides for an active partnership and responds to the range of needs, aspirations rights and interests as a Crown Treaty Partner.¹²⁶ This can be done by conducting *hui-a-iwi* (meeting with tribes), or consultation with Māori groups that have expressed interest in trade agreements, such as Tribunal Claimants, the Iwi Chairs Forum, Federation

¹²² *Ibid*

¹²³ Document from Cabinet External Relation, shared with me by Interviewee A

¹²⁴ Extract of Interview n°1 with Interviewee A

¹²⁵ Extract of Interview n°1 with Interviewee A

¹²⁶ Trade, New Zealand Ministry of Foreign Affairs and. 'Trade Engagement'. New Zealand Ministry of Foreign Affairs and Trade, <https://www.mfat.govt.nz/en/trade/nz-trade-policy/how-do-we-consult-on-free-trade-agreements/> Accessed 1 May 2024.

of Māori Authorities, or the Māori Council. MFAT also houses several Māori Policy Units that foster relationships across Māoridom. Paradoxically, although the Cabinet Guidelines creates a wide range of opportunities for engagement with Māori, its scope remains limited.

1.1.2 A framework limited by its flexibility.

In the case of the 2001 Cabinet Guidelines, a key element of the strategy lies in the leading agencies being in charge of assessing the “*appropriate form and degree of engagement*” required for a particular Treaty. It is also at the discretion of the Ministry to determine whether a treaty and its provisions could affect Māori interests, as the guidelines specifies: “*it is recognised that there will not be a need to involve Māori in discussion on all treaties but that the focus must be on ensuring that this occurs on international treaties concerning issues of relevance to Māori*”. There are many ways to engage with Māori, from raising awareness to consulting with leaders and representatives. This room for manoeuvre grants significant discretion to the Ministry whether to engage with Māori communities. Consequently, it also raises questions about the legitimacy afforded to Māori in representing both themselves and the broader political community of Aotearoa New Zealand. The concept of prior and informed consent, advocated in the UNDRIP, remains a matter of contention without unanimous agreement. Considering the government’s initial objection to the UNDRIP, it is reasonable to assume that such a provision wouldn’t be considered, considering that these recommendations continue to influence MFAT decisions, posing a significant threat to Māori rights if they were implemented by a hostile administration.

Additionally, I questioned Interviewee A during our first interview on whether Māori representatives could directly interact with foreign counterpart in the foreign affairs field, or if they needed to go through the ministry first, leaving the ministry officials the task to negotiate with third parties. To this question, they responded that:

"Māori can, and sometimes do, engage directly with foreign governments on issues of interest. In relation to international trade negotiations, however, it is MFAT's role to negotiate these on behalf of the Crown, but to ensure that in those negotiations we are engaging effectively with Māori to identify, address or respond to issues of interest or concern"

This underscores a persistent challenge in interpreting Te Tiriti, which significantly impedes the Ministry's ability to implement effective, enduring, and binding measures to honour their commitment to meaningful engagement with Māori. Nonetheless, the 2001

Cabinet Guidelines, despite their limitations, paved the way for the implementation of significant mechanisms to realise its recommendations (2), both internally (2.1) and externally (2.2)

1.2 Chasing complementary mechanisms

1.2.1. Reaching participation through internal processes

On the one hand, the Trade for All Agenda, introduced in 2018 with a slated implementation in the first quarter of 2020, has emerged as a renewed focal point to realise the commitments of the 2001 Guidelines. If “*trade is crucial to this country’s economy and well-being, and the benefits need to flow to all New Zealanders*”¹²⁷, this strategy is geared towards achieving sustainable growth across all sectors of the economy. It places emphasis on engaging with small and medium enterprises, women, and Māori communities, both in current trade dealings and in shaping future trade agreements. To “*help chart the course for New Zealand trade policy*”¹²⁸, Minister for Trade and Export Growth Damien O’Connor has established a Ministerial Advisory Group for Trade for All, comprising representatives from business, civil society and Māori. This advisory body offers direct feedback to the minister on trade issues related to their respective sectors and communities. Consultation on the Trade for All agenda, as outlined in the 2019 MFAT report¹²⁹, involved gathering insights from 11 hui – meetings – held across New Zealand. Notably, these discussions benefited from the inclusion of Māori perspectives, particularly in debates concerning biodiversity and climate change negotiations.

On the other hand, to maximise the chances of meaningful engagement with Māori, and in accordance with 2001 Cabinet Guidelines, a group of recognised leaders in Māori socio-economic and cultural development experts, called Te Taumata, was appointed by Māori to engage with MFAT on trade policy matters. In the memorandum of understanding between Te Taumata and MFAT¹³⁰, the latter recognises that Te Taumata operates under its

¹²⁷ *Ibid*

¹²⁸ ‘Broad Perspectives to Inform Trade for All Agenda’. *Beehive.Govt.Nz*, <https://www.beehive.govt.nz/release/broad-perspectives-inform-trade-all-agenda>. Accessed 14 May 2024.

¹²⁹ *MFAT Annual Report 2018-2019*. Ministry of Foreign Affairs and Trade NZ, <https://www.mfat.govt.nz/assets/About-us-Corporate/MFAT-corporate-publications/MFAT-Annual-Report-2019/Annual-report-2019-Web-Edition.pdf>. Accessed 3 May 2024.

¹³⁰ *Memorandum of Understanding between Te Taumata and the Ministry of Foreign Affairs and Trade*. 24 Sept. 2019, p. 7, <https://www.mfat.govt.nz/assets/Uploads/MFAT-Te-Taumata-MOU.pdf>.

own terms, and that MFAT has no role under the group’s constitution, or the appointment of members. This was made to ensure the independence of Te Taumata, to avoid any conflict of interests that could arise. Their goals are to support MFAT in recognising and understanding Māori interests concerning trade negotiations, ensuring that Māori’s positioning receives due respect and recognition on the global platform.

1.2.2 Establishing external instruments to involve the international community in upholding indigenous participation in trade: the IPETCA

Taking a broader approach to the question of indigenous cooperation in the realm of trade, New Zealand has taken proactive steps to guarantee that rights afforded to Māori are upheld and extended during bilateral negotiations. Aotearoa, as a member state of APEC, endeavoured to broaden the forum's focus beyond purely economic matters to encompass community-based concerns, notably indigenous issues. To enshrine this idea into an official cooperative structure, APEC established the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) in 2021. This pioneering framework is the world's first initiative dedicated to strengthening the economic inclusion of indigenous communities through trade and investment. Its founding members notably include New Zealand, Australia, Canada, and Chinese Taipei.

Interviewee A explained that *“One way we sought to build knowledge, understanding, and confidence was by promoting and negotiating the IPETCA”*. Key objectives of the Agreement are the promotion of indigenous economic trade cooperation, and the co-design, partnership, co-delivery and co-management of trade parameters by both government and indigenous representatives working together. From this viewpoint, the IPETCA appears as an innovative and comprehensive tool for participating countries to better account for necessary engagements toward their respective indigenous communities, specifically in the Asia-Pacific Region. It establishes a cooperative framework through the formation of the Partnership Council, a decision-making body comprising of representatives from both the economy and Indigenous Peoples to oversee the implementation of the arrangement,¹³¹ both whom are represented equally.¹³² IPETCA aims at expanding its

¹³¹ ‘The Indigenous Peoples Economic and Trade Cooperation Arrangement’. *New Zealand Ministry of Foreign Affairs and Trade*, <https://www.mfat.govt.nz/en/trade/nz-trade-policy/the-indigenous-peoples-economic-and-trade-cooperation-arrangement/>. Accessed 26 Apr. 2024.

¹³² IPETCA. Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) - Partnership Council Terms of Reference. <https://www.mfat.govt.nz/assets/Uploads/IPETCA-Partnership-Council-Terms-of-Reference.pdf>.

membership base, because as highlighted by MFAT “*Of the world’s 476 million Indigenous Peoples, the World Bank estimates 70% live in the Asia Pacific region*”.

1: GENERAL UNDERSTANDINGS:

vi: Affirm the need to honour, respect, and promote the inherent rights of Indigenous peoples as reflected in the United Nations Declaration on the Rights of Indigenous Peoples adopted in New York on 13 September 2007 (the United Nations Declaration) and other international instruments and constructive arrangements.”

5 : NON-DEROGATION

(a) The participating economies acknowledge the objective of ensuring that their respective laws, regulations, and policies relating to international trade and investment advance, and do not negatively impact upon, the rights and interests of Indigenous peoples.

(b) The participating economies further acknowledge that it is inappropriate to weaken or reduce protections for Indigenous peoples in their respective laws, regulations, and policies so as to encourage international trade and investment between them, or between the participating economies and any other economy.”

Table 2: Extract of the IPETCA text

Furthermore, the IPETCA appears as an initiative that binds member states to their obligations to their indigenous people. The Arrangement text includes non-derogation clauses, reinforcing governments' commitments to indigenous peoples, and underscores their rights as recognised in the UNDRIP. Interviewee A expressed satisfaction with the initiative, emphasising their dedicated efforts to raise awareness. They added that they were proactively planning to further strengthen indigenous economic and trade collaborations among New Zealand, Australia, Canada, and Chinese Taipei, all of which have indigenous populations. With enthusiasm, they remarked, “*Yeah, it's pretty cool stuff*”.

The Arrangement sets a clear objective: the empowerment of communities through identifying, advancing, and implementing initiatives for international indigenous trade, investment opportunities, and relationships. Participating countries also stand to gain secondary benefits, such as enhancing their global reputation, which is particularly relevant in the case of New Zealand, that provided substantial support to the project. The success of this strategy will reinforce a country's reputation as a champion of indigenous rights and

participation, amplifying its diplomatic standing. Conversely, failure could tarnish New Zealand's reputation.

1.3 Enshrining not to forget: Te Tiriti exception clause and indigenous considerations in Trade Agreements

To further the aforementioned mechanisms and remain consistent regarding Te Tiriti, the Treaty Exception clause was used to integrate such considerations in Free Trade agreement, with considerable successes (1.3.1) although some encountered limitations (1.3.2)

1.3.1 Improving partnership: the EUFTA and UKFTA cases

An important engagement strategy with Māori in the trade realm lies in the process of drafting free trade agreements. These mechanisms aim to authentically integrate the Te Tiriti principle of partnership into trade negotiations while fostering stronger collaboration between MFAT and Māori communities. The objective seems to further engagement to avoid an isolation of the government in the decision-making process. Interviewee A explained: *“The key thing is that the policies that we've been creating and following have essentially enabled greater Māori and Indigenous input into processes, so that it's more of a relationship, to help inform and shape government positions and decisions.”*

To this regard, the Ministry of Foreign Affairs had committed, since 2001, to include a non-negotiable ‘Treaty of Waitangi exception clause’ in all Free Trade Agreements (FTA) that New Zealand would sign. The exception clause reads as follows:

“1. Provided that such measures are not used as a means of arbitrary or unjustified discrimination against persons of the other Party or as a disguised restriction on trade in goods, trade in services and investment, nothing in this Agreement shall preclude the adoption by New Zealand of measures it deems necessary to accord more favourable treatment to Māori in respect of matters covered by this Agreement, including in fulfilment of its obligations under te Tiriti o Waitangi / the Treaty of Waitangi.

2. The Parties agree that the interpretation of te Tiriti o Waitangi / the Treaty of Waitangi, including as to the nature of the rights and obligations arising under it, shall not be subject to the dispute settlement provisions of this Agreement. Chapter [number varies in both treaties] (Dispute settlement) shall otherwise apply to this Article. [...]”

This clause safeguards that New Zealand refrains from adopting any action under the FTA that contradicts the principles of Te Tiriti and the responsibilities of the Crown outlined

therein. This serves to reinforce the fundamental principle of partnership inherent in the Treaty of Waitangi. The UKFTA, signed in 2022, and the EUFTA, signed in 2023 and implemented from 1st May 2024, both include the Treaty of Waitangi exception clause. Additionally, both treaties include sections aimed at fostering collaboration with Māori communities to improve market outcomes and ensure the protection of Māori *taonga* – cultural treasures. The UKFTA, for instance, has a dedicated section in chapter 26 to Māori Trade and Economic Cooperation, which recognises the increasing participation of Māori in international trade. Article 26.2.9 reads as follows: “*The Parties agree that the purpose of this Chapter is to pursue cooperation between them that contributes towards New Zealand’s efforts to enable and advance Māori economic aspirations and wellbeing*”.

Certain provisions were also included to specifically safeguard aspects of Māori culture, knowledge, and resources. Article 26.6 of the UKFTA recognises the cultural importance of *Haka Ka Mate* to Ngāti Toa Rangatira. It requires parties intending to utilise this haka to engage in consultation with iwi to ensure respectful collaboration concerning its usage as a cultural symbol. This specific example serves as a tangible illustration of a broader issue, as articulated by Interviewee A in our first interview: “*And so, quite often, you will see cultural appropriation used in fashion and in companies and design. And one of the things that's really important is that we protect Māori art, Māori song, Māori culture, and so on. And so, we've got that in a trade agreement*”.

Negotiations with the European Union on the EU-NZ FTA regarding Māori trade required heightened caution and diplomacy, and increased efforts from Aotearoa: “*Māori pushed very strongly to have dedicated Māori trade cooperation chapters included in the FTAs with the UK and EU, drawing particularly on the historical, pre-settler relationship with England and Europe. Through the closer engagement mechanisms, MFAT developed with Māori the provisions in these cooperation chapters.*” (Interviewee A). The Agreement marks significant strides in cooperation with Māori enterprises, particularly small and medium-sized enterprises (SMEs), who stand to gain from its trade and investment opportunities. It also extends beyond commerce to encompass science, research, innovation, and geographical indications (GI). The Agreement secures the pathway for Māori producers to cultivate, safeguard, and capitalise on their own GIs for quality New Zealand products destined for export to the EU. Notably, this includes protecting te reo names and preserving the distinctiveness of the cultural goods.

If these treaties may have earned widespread recognition, others, such as the CPTPP (formerly TPPA) have failed to meet the provisions of Te Tiriti and the expectations of Māori, resulting from an expansion of New Zealand’s commitments under FTAs.

1.3.2 CPTPP: a criticised attempt to enforce protection

The adequacy of the Treaty exception clause has been questioned by Māori, particularly in light of the recent Trans-Pacific Partnership (TPP) FTA¹³³ in 2016. The Agreement, inclusive of the Treaty exception clause, expanded New Zealand’s participation in global trade. Consequently, both the involvement of Māori and the impact on their economic interests were increased. These developments prompted widespread public and political debates in New Zealand regarding the adequacy of safeguards established by the Ministry of Foreign Affairs in the FTA negotiations to protect public interests. These concerns particularly arose given the new possibility, under TPPA, for investors to make claims against New Zealand government through investor– state dispute settlement (ISDS) mechanisms.

As a result, some Māori groups, including iwi, iwi chairs, and the Federation of Māori Authorities referred to the Tribunal of Waitangi to inquire about a possible breach of Te Tiriti stemming from insufficient consultation with Māori representatives during the treaty-making process. The Ministry of Foreign Affairs and Trade (MFAT) argued that Māori concerns affected by the agreement were either negligible or fell under general commercial interests, thus rationalising the lack of engagement with Māori and asserting that the Treaty exception clause adequately protected Māori rights. The Tribunal ultimately found that the Government held a “reductionist” approach to Māori commercial interests¹³⁴, but still deemed that the Treaty Exception in Article 29.6 TPP, (now Article 29.6 of the CPTPP) would provide “reasonable” protection of Māori interests.¹³⁵ The report on Trans-Pacific Partnership Agreement, which was crafted as an answer to the claim, was the first of many. During our first discussion, Interviewee A summarised the issues of this ongoing debate:

“There was a claim called the WAI 2522, and that was quite a significant claim on certain provisions within the TPP and then CPTPP. And so those were a claim

¹³³ Kawharu, Amokura. ‘The Treaty of Waitangi Exception in New Zealand’s Free Trade Agreements’. *Indigenous Peoples and International Trade: Building Equitable and Inclusive International Trade and Investment Agreements*, edited by John Borrows and Risa Schwartz, Cambridge University Press, 2020, pp. 274–75. Cambridge University Press, <https://doi.org/10.1017/9781108675321.013>.

¹³⁴ New Zealand, Waitangi Tribunal, Report on the Trans-Pacific Partnership Agreement, at 2.2.3.

¹³⁵ Kawharu, 2020, p.283

around secrecy, that there is this implicit partnership between the Crown and Māori, and that the Crown should consult with Māori on interests that affect them. There was another claim around plant variety rights, and then of course there was a third claim around e-commerce, electronic commerce, digital, and when informational data is a taonga. And as you'll know, under Article 2, taonga is protected. [...] and the Waitangi Tribunal found on its face that the Crown had not taken into consideration factors that it should have in order to put protections in place for data that is a taonga. [...] In late 2021, the Tribunal released its finding that the Crown breached its obligation, its taonga obligation. That's significant.”

It is recognised that the debates surrounding the Investor-state Dispute Settlement (ISDS) provisions within the CPTPP have significantly damaged public trust in trade agreements¹³⁶. This may account for why the Investor-state dispute settlement clause was omitted from both the UKFTA and EUFTA.

One may ask, why no amendment was made to the Treaty exception clause to reflect the Crown's obligations under Te Tiriti, and respond to an evolving international scene. Holster and Castle¹³⁷ argue that the concept of “path dependency” extends to foreign policy and trade negotiation. Pierson, credited with introducing this concept, suggests that the longer an inefficient policy remains in place, the costlier it becomes to deviate from it, reducing the likelihood of change.¹³⁸ There are greater chances that a state will make foreign policy decision that align with domestic preferences, meaning that if a domestic legal text holds significant sway, it is likely to shape negotiating outcomes.¹³⁹ In this regard, the Treaty exception stands as a notable precedent successfully integrated into past treaties. A single instance of misapplication, as seen in the CPTPP, doesn't warrant rewriting the clause, especially since it wasn't deemed necessary by the Waitangi Tribunal.

Conclusion of Section 1:

This section elaborates on how the New Zealand Ministry for Foreign Affairs and Trade (MFAT) has increasingly integrated the core tenets of the Treaty of Waitangi – Participation, Protection, and Partnership – into its foreign policy, particularly in trade. However, certain mechanisms such as the systematic inclusion of the Treaty Exception

¹³⁶ Trade for All discourse by Hon David Parker – Labour MP spokesperson for foreign affairs – 28 November 2019.

¹³⁷ Holster, Bonnie, and Matthew Castle. ‘Between Innovation and Precedent the Treaty of Waitangi Exception Clause in Aotearoa New Zealand’s Free Trade Agreements’. *Policy Quarterly*, vol. 18, no. 4, 4, Nov. 2022, pp. 26–32. *ojs.victoria.ac.nz*, <https://doi.org/10.26686/pq.v18i4.8014>.

¹³⁸ Ibid

¹³⁹ Castle, Holster, op. cit. 29

Clause in FTAs have encountered limitations, implying that there is still room for progress and potentially, a need for an alternative approach.

Nanaia Mahuta decided to make use of this opportunity for progress by bringing into the Ministry's framework, not only legal obligations incumbent upon the government according to the Treaty of Waitangi, but above all, new practices of diplomacy. These new implementations, based on Māori practices and protocols – *Tikanga Māori* – fall under the Māori Foreign Policy strategy, which will be developed in section 2.

Section 2. Transitioning from Engagement to Embrace: Integrating Te Ao Māori into Aotearoa's Diplomatic Strategies

In her inaugural speech delivered at Waitangi on February 5, 2021, Minister Nanaia Mahuta expressed:

*“The institutions, rules trade conditions and relationships form the foundation of our Foreign Policy. As the first indigenous women to lead this portfolio, I believe that we have the prime opportunity to call on the bicultural values that have characterised who we are as a country. Values such as Manaaki – kindness or reciprocity of goodwill – Whanaunga – connectedness and shared sense of humanity – Mahi tahi and Kotahitanga – collective benefits and shared inspiration – and Kaitiaki – protectors and steward of intergenerational wellbeing. Each of these values, when expressed in a relationship, gives a sense that everything is connected and purposeful”.*¹⁴⁰

Nanaia Mahuta's speech was not intended as lecture on Māori values and principles. Instead, it highlighted how those fundamental values can guide and organise Aotearoa's approach to Foreign Policy. The 2021-2022 Report from MFAT confirms Hon. Mahuta's assertions:

*“ The Ministry has an ongoing commitment to deliver on our obligations as a Treaty partner with authenticity and integrity — including through appropriate engagement with Māori. [...]Te Tiriti o Waitangi and Aotearoa New Zealand's bicultural experience also help to define our unique identity as a nation. The Ministry's work is also guided by values that derive from this bicultural heritage — manākitanga, kotahitanga, kaitiakitanga, and whanaungatanga.”*¹⁴¹

This approach was notably advocated by the *He Puapua* report, commissioned by Jacinda Arden's Labour government to explore potential strategies for realising New

¹⁴⁰ Video YT

¹⁴¹ 2021-2022 Report, p6

Zealand's commitments under the UNDRIP. Nanaia Mahuta was Minister for Māori Development at the time, and oversaw the work of *He Puapua*, which will be detailed later. However, one of its most relevant conclusions for the present analysis lies in the following request: “*New Zealand understanding of wellbeing will incorporate a holistic te Ao Māori and Mātauranga Māori perspective*” – a direction that Hon. Nanaia Mahuta strove towards during her tenure as Foreign Affairs Minister.

This section will introduce the reader to the principle philosophical concepts of Māori culture to better understand the cosmology in which Hon. Mahuta developed her policy. By first contemplating the legal guidance given to Government officials for a better consideration of Māori culture (2.1), the analysis will move to a presentation of Māori World view (2.2) before delving into Māori protocols – *tikanga Māori* – applicable to Foreign Policy (2.3).

2.1 Lessons from the Treaty of Waitangi Guidance Document

A 2019 circular of the Cabinet Office titled Treaty of Waitangi Guidance Document serves as a complementary document to the 2001 Guidelines on Māori Engagement in Trade. It specifically aims to enhance the implementation of best practices aligned with Te Tiriti and *Te Ao Māori*.¹⁴² The document begins by acknowledging variations in the translation of Te Tiriti, a departure from the norm in official documents. Consequently, differences in interpretation and application arise. The influence of Te Tiriti on New Zealand's constitutional framework is widely recognised, and its significance grew from 1975, marking the onset of heightened importance and the development of substantial jurisprudence.

The guidelines underscore a fundamental principle: “*The Treaty must be considered ‘on the whole’*”, meaning “*No article of the Treaty stands apart from the others. Consideration of how the Treaty applies in any situation will require consideration of the applicability of all articles and the relationship each has to the others.*”. Each aspect of the Treaty interacts with others, forming a dynamic network of rules. Thus, it's essential to consider all provisions collectively in any situation. Furthermore, the guidelines acknowledge: “*The courts have recognised tikanga Māori as part of New Zealand common law and as a value that informs development of the common law. While their precise impact*

¹⁴² “Treaty of Waitangi Guidance Document” circular of the Cabinet Office, 2019.

on the common law and statute will vary, rights at tikanga may have a relevance in legal disputes independent of statutory incorporation of the Treaty”.

Therefore, *tikanga* – referring to a customary system of values and practices, the "correct procedure" – are not confined solely to Māori cultural contexts but is integral to New Zealand's legal and political landscape.

The guidance provides an interesting basis for exploring alternative methods to incorporate more Māori practices into policymaking, even within foreign policymaking. Yet, its scope is clearly restrained within the document itself: *“The present document does not create new legal obligations on Crown agencies. It should instead guide and support Crown agencies processes and decision-making. Agencies will consider the specific context of the relevant issue, policy or initiative”.*

Nevertheless, one could argue that this instrument contributes to the implementation of indigenous politics, which, as outlined in the initial chapter, seeks to provide *“the opportunity to live in the modern world while at the same time preserving one’s ancient cultural heritage.”*¹⁴³ According to a restricted definition of “preservation of one’s cultural heritage”, the protection of *Māori taonga*, resources, lands and properties as mandated by the Treaty of Waitangi and overseen by the Waitangi Tribunal, aligns with the government's approach to politics of indigeneity. However, adopting a broader definition of “preservation” that implies *“keeping something as it is, especially in order to prevent it from decaying or being damaged or destroyed”*¹⁴⁴, allows for the consideration of other ways of preserving Māori culture. Following this definition, preserving the cultural heritage can entail keeping in practice the culture and especially, *Te Ao Māori* – Māori world view, in the policymaking realm.

2.2 Embracing the Māori World View – Te Ao Māori

Te Ao Māori – or the Māori worldview – emphasises the importance of relationships between people and nature, and the interconnectedness shared by all beings. This holistic worldview encompasses four key elements, as outlined by Durie: identification; knowledge and understanding; access and participation; and communication.¹⁴⁵ At the core of these

¹⁴³Fleras and Maaka, 2000, p.95

¹⁴⁴ Cambridge Dictionary

¹⁴⁵ Durie, Mason. *Te Mana, Te Kāwananatanga: The Politics of Māori Self Determination*. Auckland University Press, 2004. pp.58

principles lies *whakapapa*, or genealogy, which not only shapes one's identity but also establishes connections with one's *whānau* (family), *hapū*, and *iwi*. Communication, expressed through Te reo Māori, embodies the vitality of Māori *mana* – authority, prestige – and has been recognised as an official language of Aotearoa.¹⁴⁶ Further explanation on knowledge and understanding will be provided later in this section.

Mātauranga Māori, translating to Māori knowledge, originates from the wisdom passed down by Māori ancestors. It encompasses Māori worldviews, perspectives, creativity, and cultural practices. Although Mātauranga Māori was often used in the realm of sciences in the application of traditional Māori knowledge, its scope is broader. Its multifaceted nature led to many interpretations, one as highlighted in Rob McGowan's Waitangi Tribunal report, 'Ko Aotearoa tēnei,' where he explains: “From my understanding, *Mātauranga Māori* not only refers to the knowledge that Māori have, but encompasses the Māori way of knowing — and the connectedness that knowledge has with the environment out of which it was derived.”¹⁴⁷ This umbrella term reflects and represents the dynamic, evolving system of knowledge that explains the world as perceived by *tangata whenua* – the people of the land. It encompasses key fundamental concepts such as *whakapapa* – genealogy –, *tikanga Māori* – Māori protocols –, and *taonga tuku iho Māori* – treasured arts and heritage.¹⁴⁸

2.3 Understanding Tikanga Māori

Te Ao Māori and *Mātauranga Māori* comprises a diversity of elements contributing to the understanding of this cosmology, rooted in connectedness and a strong sense of values, notably *tikanga*. *Tikanga*, essentially, refers to the “correct procedure” in which relationships are nurtured and maintained. To better understand the framework guiding MFAT’s work, the *tikanga* that Nanaia Mahuta highlighted in her opening speech in Waitangi, *Manaaki*, *Whanaunga*, *Mahi tahi* and *Kotahitanga*, *Kaitiaki*, will be defined below.

Manaaki – or *Manaakitanga* – refers to the principle of hospitality, kindness, and generosity. It encompasses the idea of collective responsibility and the importance of nurturing positive relationships and conveying reciprocity. Traditionally, *Manaakitanga* was

¹⁴⁶ White, 2016, p180.

¹⁴⁷ Goodall, Laura. ‘Māori Conservation Lessons’. *Stuff*, 17 Feb. 2019, <https://www.stuff.co.nz/environment/climate-news/110587713/climate-change-scientists-look-to-maori-and-other-indigenous-people-for-answers>.

¹⁴⁸ *Ibid*

interwoven with every fundamental aspect of Māori society and varied following the nature of relationships established with others.¹⁴⁹ Disregarding *Manaakitanga* by any member of the community would reverberate through the collective *mana* of the community, given Māori inherently organise themselves into groups, be it *whanau*, *hapu*, or *iwi*.

Whanaunga – or *whanaungatanga* – translates into kinship, or “*connectedness and shared sense of humanity*”¹⁵⁰. Derived from *whanau*, or family, this concept nurtures an extended family-like bond with others who share common goals or experiences, facilitating the cultivation of meaningful connections.¹⁵¹ In the realm of Foreign Relations, as articulated by Nanaia Mahuta, it represents a “*shared sense of humanity*”, such as the shared experience of indigeneity. Moreover, *Whanaunga* encompasses rights and responsibilities, which can serve to fortify relationships between parties, including diplomatic ties, where each party holds themselves accountable to the other for their actions and commitments. This connectedness links mankind as part of nature, and nature as a “*living ancestor*” to be revered.¹⁵²

Mahi tahi signifies cooperative and collaborative efforts, while *Kotahitanga* embodies unity and solidarity achieved through collective action¹⁵³. Historically, *Kotahitanga* was associated with the Māori Parliament in the 19th century, originating from a movement advocating for self-governance and national unity among Māori kinship groups. In this sense, the use of *Mahi tahi* and *Kotahitanga* as a driver for international relations can imply the idea of global unity to reach shared goals, such as addressing climate change.

Lastly, *Kaitiakitanga* embodies guardianship or stewardship¹⁵⁴. Nanaia Mahuta emphasises its role in safeguarding intergenerational wellbeing, and preserving *whakapapa* and *taonga*, which is central to Māori culture.¹⁵⁵ These *taonga* are, as part of the Treaty of Waitangi, protected by Māori who own “*the unqualified exercise of their chieftainship over [them]*.”¹⁵⁶ They do not only encompass material treasures, but intangible treasures such as

¹⁴⁹ ‘Manaakitanga – More than Just Hospitality’. *Home*, Mar. 2021, <https://on.mas.co.nz/issues/march-2021/manaakitanga-more-than-just-hospitality/>.

¹⁵⁰ *Address by Minister of Foreign Affairs Hon Nanaia Mahuta to the Waitangi Diplomatic Corps*. By Ministry of Foreign Affairs and Trade, 2021. *YouTube*, <https://www.youtube.com/watch?v=BDFDnC1Dyho>.

¹⁵¹ “Whanaunga” in *Te Aka – the Māori Dictionary*, accessible online at <https://maoridictionary.co.nz/>

¹⁵² Magallanes, 2018, p.71

¹⁵³ “Mahi Tahi” in *Te Aka – the Māori Dictionary*, accessible online at <https://maoridictionary.co.nz/>

¹⁵⁴ “Kaitiakitanga” in *Te Aka – the Māori Dictionary*, accessible online at <https://maoridictionary.co.nz/>

¹⁵⁵ Smith and Holster, 2003,2.

¹⁵⁶ *Te Tiriti o Waitangi*, signed 1840. Accessible through: <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/english-version/>

knowledge, also known as Mātauranga Māori. Thus, *Kaitiakitanga* entails not only the assertion of rights by Māori over these taonga but also the acceptance of corresponding responsibilities as stewards or guardians.

The consideration of *Te Ao Māori* represents a unique and innovative framework for conducting diplomatic relationships, offering an alternative approach based on the principles of partnership, participation, and protection. In this sense, *Te Ao Māori* is not a passive aspect of New Zealand's cultural landscape but an actionable framework, empowered by its *tikanga* with potential for political application. These *tikanga* promote engagement, collaboration, and connectivity, encapsulated by the principle of relationality. Through relationality, foreign policy and international relations can be approached in a manner distinct from Western paradigms, which enables meaningful connections notably with nations whom Aotearoa share cultural links with.

Section 3. Materialisation of a Māori Foreign Policy: utilising *tikanga* across the borders

The 2022-2023 MFAT report¹⁵⁷ commences with a recognition of the partnership framework established between Māori and the Crown as per *Te Tiriti*. It further highlights the utilisation of the values rooted in *Te Ao Māori*, which according to the report “*offers a unique foreign policy foundation where respect and equality between peoples and countries are recognised, and where relationships are exercised in ways that affirm kāwanatanga and tino rangatiratanga.*”. *Te Hurumanu Māori Partnership Group* was considered a great development in this regard. The Chief Executive and Senior Leadership Team of *Manatū Aorere – MFAT* – were encouraged to consider integrating *Te Ao Māori* principles into the strategic policies and organisational matters encountered by *MFAT*. This integration was facilitated by the support of *Te Hurumanu* members, appointed based on “*their experience, standing and integrity in Te Ao Māori, demonstrated success in various governance roles, and for their unique understanding of the machinery of Manatū Aorere*”.

To comprehensively examine the scope of *tikanga Māori* and application within a Māori Foreign Policy, Section 3 begins with an analysis of New Zealand's relationship with the Pacific, based on relationality. The second sub-section explores examples where these

¹⁵⁷ MFAT, report 2022-23

guiding principles and practices can shape relationships, particularly those grounded in a shared indigenous heritage, showing the high exportability of Māori Foreign Policy.

3.1 “We are relatives, and we are trusted relatives”: nurturing principles of relationality and connection through Pacific Relations.

3.1.1 Shifting from realism to relationality

Professor Alison Jones, a scholar from New Zealand, delves into her experiences navigating academic literature dominated by critical theory in “Māori, Pākehā, Critical Theory and Relationality”. Although critical theory suggested a path for political engagement with Māori by recognising the shared struggle of oppression in all its forms – including colonialism – it failed to challenge the inherent binary order that this engagement implied. Within this paradigm, indigenous people were primarily seen in an adversarial power relationship with coloniser populations, where “*colonisers have power; indigenous peoples lack power*”¹⁵⁸, conveying the idea that there must be, at all times, a loser and a winner.¹⁵⁹ Professor Te Kawehau Hoskins, in the same article, explains that critical theory set up the semantic framework in which “dominant” was used to refer to coloniser, and “subordinate” to refer to colonised.

In the realm of international relations, this framework pertains the enduring influence of realism, which remains commonly accepted as the most relevant theoretical framework in understanding global dynamics. Realists consider the world as an anarchical stage where states, as the main actors, vie for dominance. This perpetual struggle supposedly leads to temporary stability. However, recent years have seen a "relational turn," prompting a more serious consideration of non-Western, particularly indigenous, worldviews. In this regard, relationality suggests an alternative approach to political cosmology by looking at international relations as a complex network of co-constituted relationships rather than a static system. This shift prompted many innovations and a more inclusive space for discussing Māori claims and indigenous issues. However, a crucial oversight exists within critical theory: the failure to acknowledge Māori ontological practice as inherently relational.

At the core of these relational practices is the respect for *mana* – power, authority – of the other. To have engagement does not necessarily mean a peaceful interaction, nor does

¹⁵⁸ Te Kawehau Hoskins – P2

¹⁵⁹ *Ibid*

it mean a confrontational encounter. Yet even amid disagreements or disputes, the *mana* of each party as they defend their stance should be respected and esteemed.¹⁶⁰ According to Judge Sir Taihakurei Durie, effective political engagement for Māori is “*founded on the intricacies of good personal relations*”¹⁶¹. This requires *aroha* – love – and inherently a deep and meaningful understanding of each other’s perspective. Conversely, disengagement or disrespect for one’s *mana* can disrupt the dialogue which can have regressive or destructive effects and therefore prompt further conflict.

Engagement with others is crucial to Māori, even when in the face of risk or limitations: the intention to engage is the key to progress and will always be preferred over disengagement or neutral positioning. Within the relational framework, engagement in social or political practices implies proactivity, which notably manifests by taking initiatives to inquire about one group’s particular concerns. Therefore, policymaking should not only solicit Māori input on what they need but should also entail understanding their rights and adopting a “Māori lens” that includes their involvement across all decision-making stages. It also implies that, to properly engage, policy makers should consider embracing an approach that uphold Māori values, as part of the bi-cultural nature of Aotearoa.

3.1.2 Turou Hawaiki - Navigating Together: relations with the Pacific

To my question “*Do you think there is any limit to implementing a relational approach to Foreign Policy, or conversely any way to push it further?*”, former Ministry of Foreign Affairs Nanaia Mahuta answers by referencing the relationship between Aotearoa New Zealand and the Pacific.

“If you try and understand the approach from a New Zealand centric perspective that relational starting point absolutely locates the primacy of our connections to the Pacific. [...] So, from a relational point of view, because our stories and history, we have a natural connection to our nearest neighbourhood, which is the Pacific. And that's important because in a foreign policy sense, the Pacific is a contested space with superpowers, namely China and America, are vying for attention from the Pacific region. [...] So, for New Zealand, because we have that relational connection, whakapapa connection to the region, we're seen by our Pacific neighbours, more as trusted distant relatives, if you like. We're relatives and we are trusted relatives.”

¹⁶⁰ Te kawehau Hoskins P4

¹⁶¹ *Ibid*

The 2021-2022 Annual MFAT Report supports the former Minister's assertion, affirming that *"Aotearoa New Zealand is a Pacific country. We share an ocean, a past, and a future with our Pacific whanaunga. We work actively to secure a peaceful, stable, prosperous, and resilient Pacific in which Aotearoa New Zealand is a true partner. Being of the Pacific shapes Aotearoa New Zealand's outlook and priorities in the world."*¹⁶²

In this context, *whanaungatanga* holds significant relevance as a *tikanga*: this shared history shapes Aotearoa's engagement and the depth of its connection with the region, which could be strengthened through the shared value of reciprocity. The MFAT report on the International Development Cooperation Programme describes its engagement as *"based on the values we share as people of the Pacific"* and was also supplemented with a budget of NZD 550.20 million.¹⁶³

For a long time, New Zealand faced criticism for adopting a paternalistic approach towards the Pacific, which inadvertently perpetuated neo-colonial dynamics in the region.¹⁶⁴ However, starting from 2018 with the introduction of New Zealand's Pacific Reset Policy, and more recently with the embrace of Te Ao Māori principles into its foreign policy, there have been notable improvements in ties with the Pacific. Hon. Mahuta provided a nuanced perspective on the impact of the Pacific Reset Policy, stating: *"I quickly pivoted from a reset, that was simply stating that the relationship with the Pacific would start to be given priority. The one flaw in the Reset Policy is that there was no budget given to give a feet to that. So, I moved towards the Pacific Resilience Strategy"*.

The Pacific is a region that is increasingly attracting more foreign attention due to its rapid economic growth (see Appendix F) and its geostrategic significance. The competition among major powers vying for influence, particularly over the Pacific Islands Countries, has raised concerns among Pacific leaders about the potential militarisation of the region, leading to greater instability and the risk of "strategic manipulation".¹⁶⁵ While some may view this competition as an opportunity to strategically leverage aid from competing countries, Pacific leaders often assert a commitment to neutrality, emphasising being *"friends to all, enemies*

¹⁶² MFAT, 2021-2022 report; p.24

¹⁶³ MFAT, 2021-2022 report; p.141

¹⁶⁴ Holster, Bonnie, and Nicholas Ross Smith. *New Zealand's New Approach to China and the Pacific*. Chatham House - International Affairs Think Tank, 7 Sept. 2023, <https://www.chathamhouse.org/2023/09/new-zealands-new-approach-china-and-pacific>.

¹⁶⁵ Pacific Islands Forum, Secretary General Henry Puna, "Morning Address to the 3rd Annual Indo-Pacific Islands Dialogue", Hosted by the Carnegie Endowment for International Peace and the Sasakawa Peace Foundation, New York, 18 September 2023

to none.”¹⁶⁶ New Zealand is not exempt from this competition for influence: “*A Pacific strategic environment conducive to Aotearoa New Zealand’s interests and values has been preserved and our influence as a preferred and prominent partner maintained*”¹⁶⁷. The Ministry Strategic Intentions 2021-2025 anticipated a challenging period, with geostrategic tensions sharpening in the Indo-Pacific, and called for “*strong engagement to support continued kotahitanga within the Pacific Islands Forum*”¹⁶⁸. The report further added that “*The year’s events underlined for the Ministry the fundamental centrality of our Pacific regional home to our international relations. It reinforced the importance of taking a Pacific partner-led approach*”.

To maintain its influence, New Zealand has actively engaged in ongoing dialogue with its Pacific counterparts and leaders, employing both in-person and virtual meetings. Central to this effort is the cultivation of robust and collaborative partnerships within the Pacific region, aimed at effectively addressing common challenges. Nanaia Mahuta explains that she adopted a new approach, as she understood that climate change was the biggest challenge facing the Pacific. She notably leveraged platforms like COP26 and utilised the climate finance approach and whole-of-government strategy to explore collaboration dynamics with the Pacific and to strengthen medium-to-long-term resilience in the region. This aligns with the broader objective to observe a “shared stewardship” – or *Kaitiakitanga* of the Blue Ocean Continent. Concretely, New Zealand announced NZD\$1.3 billion in climate finance to developing countries, and \$162.3 million allocated to emergency budget for Pacific countries, helping a total of 27 Pacific governments and institutions in the development of climate resilient plans.

3.2 Nurturing relationships before partnerships: fostering an international conversation on indigeneity.

The relational approach advocated by MFAT under the leadership of Nanaia Mahuta, although it draws its foundation from *Te Ao Māori*, is not solely confined to engagement with Pacific neighbours, who have a close cultural affinity and thus, are familiar with *tikanga*. Rather, honouring *tikanga* extends to forging relationships with nations sharing

¹⁶⁶ Keen, Meg, and Alan Tidwell. *Geopolitics in the Pacific Islands: Playing for Advantage* | Lowy Institute. Lowy Institute, 31 Jan. 2024, p.1 <https://www.lowyinstitute.org/publications/geopolitics-pacific-islands-playing-advantage>.

¹⁶⁷ MFAT, 2021-2022 report, p.27

¹⁶⁸ MFAT, 2021-2022 report, p.9

analogous experiences in establishing politics of indigeneity. Nanaia Mahuta explained this point in her own words during our interview:

“A Māori lens enables New Zealand to think about things beyond the world of trade because foreign policy has often been articulated as a result of trade interests and economics. A relational approach enables you to think, well, what is the point of commonality here that enables us to have a shared conversation where we have mutual interest.”

During my discussion with Te Ururoa Flavell, former Leader of Te Pāti Māori, he highlighted the ability of Māori to utilise tikanga to cultivate relationships and develop new frameworks for diplomats to work within. This explanation sheds light on a new facet of Māori Foreign Policy, where *tikanga* can serve as a powerful tool to create connections with other indigenous peoples, in an effort to unite under a shared experience of indigeneity.

“In my time as Minister Economic development, I went overseas, I know that Māori bring an X factor to relationships with other people. There's something in our culture that allows us to enter interconnect. That's why the words of Minister Mahuta use are quite important about Kotahitanga, whanaungatanga, whakapapa. All of those words are inherently part of the value system that we have. Therefore, when we meet indigenous peoples or other peoples around the world, as I did when I was minister, it's easy for us to make connections because it's inherently part of our culture”.

3.2.1 Finding indigenous matters as an area of commonality

A compelling demonstration of how tikanga Māori extends beyond mere trade partnerships and economic agendas is evident in the context of the India-New Zealand relationship, as explained here by Nanaia Mahuta;

“India doesn't really want a free trade agreement with New Zealand and yet, we had Minister Jaishankar, first Minister in 20 years from Indian administration to come to New Zealand. So, he valued the relationship enough to say ‘I want to come to New Zealand because beyond trade we have other areas of commonality’ and that that was where we started and continued our discussion”.

Interviewee A affirmed this notion, by adding that Aotearoa holds a longstanding political, people-to-people relationship. One of the reasons brought up to justify the obstacles both countries encounter in establishing trade relationships is the need for technical assistance. Referring to the recently signed Trade and Economic Partnership Agreement between India and the European Free Trade Association, which incurred a \$100 billion investment, Interviewee A explained that, in some situation, New Zealand is “*only small*”,

often relying on other channels to maintain relationships. Nanaia Mahuta and her Indian counterpart identified that *“as a result of foreign and Indigenous leans, one of the Māori priorities was to give credence to the traditional medicine and the long legacy of the traditional medicine. So, this is an Indian government priority and because it's so important for Māori as well, it became a fertile area of conversation”*. This dialogue, stemming from a shared commitment to preserving indigenous heritage, led both parties to explore possible avenues for mutual benefit, such as potential collaborations in agro-tech or food production. Interviewee A wrapped up their response to my question with a notably positive and hopeful outlook: *“In fact, I think the health of our relationship with India is good.”*

3.2.2 Using indigeneity to build relations.

Although in some cases, like the New Zealand-India relationship, indigeneity can be a secondary element that bring countries together, in other cases, indigeneity is the primary reasons why two countries enter diplomatic talks.

On the one hand, this type of engagement on politics of indigeneity with foreign nations can take an official and institutionalised form. This is notably the case of the Indigenous Collaboration Arrangement initiated by Te Puni Kōkiri | Ministry of Māori Development, and signed with Australia in 2020, and Canada in 2022.¹⁶⁹ The Arrangement encourages relationship-building, collaboration, and information exchange between Indigenous Peoples around economic, cultural, political, social, and environmental policy issues. Nanaia Mahuta oversaw the drafting and signed the Arrangement with Australia in 2020, in her quality of Minister of Māori Affairs. She pointed out during our interview that *“One point of difference between our indigenous cultures of New Zealand and Australia. Australia doesn't give a migration story. Their indigenous story states that they were always there.”* Nevertheless, this significant difference does not prevent both nations to entertain good and mutually benefitting relationships, that appear both as a friendship and a partnership, and to encourage each other make progress to support their indigenous communities.

On the other hand, this engagement can also assume a less formal guise, where relationships are cultivated away from the public eye, through the ongoing maintenance of

¹⁶⁹ ‘ICA between New Zealand and Australia’. *Te Puni Kōkiri*, 2020, <http://www.tpk.govt.nz/en/o-matou-mohiotanga/culture/indigenous-collaboration-arrangement/>.

bilateral relationships. *Tikanga* such as *Whanaungatanga* and *Manaakitanga* facilitate the establishment of a dialogue rooted in shared concerns, particularly in the integration of indigenous perspectives in policymaking. Nanaia Mahuta highlighted this dynamic in our discussion, citing its significance in MFAT's interactions with South Africa.

“New Zealand's relationship across the African continent is very poor and a relational approach enabled myself and my counterpart from South Africa to identify that as a result of colonisation on our part and apartheid of their part, the way in which we're looking to rebuild our economies to include indigenous people... there were some similarities there. So again, it just allows a different conversation.”

In this context, the former Minister for Foreign Affairs compares the dialogue she held with her South African counterpart with a potential conversation that she could have had with Chilean Minister regarding the management and inclusion of the indigenous Mapuche people.

“Chile has got some real challenges with full inclusion of the Mapuche people into their economy. There are other examples of similar aspects of our experience that would be transferable to Chile in working with their Mapuche people. We've just got to look for the opportunity that the government opens the door and then just let indigenous walk through and get the opportunity to learn from each other and learn quickly and then translate those benefits in all these other ways to strengthening their society. But you know, it is not for the merely, mildly managed politician, this is courageous stuff I'd say.”

Conclusion of Chapter 2:

This chapter has examined the multifaceted nature of Māori engagement in policy making, particularly through the lens of preserving Māori culture and values. By adopting a broad understanding of "preservation" that encompasses the active perpetuation of Māori worldview within policymaking, the importance of maintaining cultural integrity while engaging with contemporary political frameworks was highlighted. First, this was embodied by MFAT in following the principles of Te Tiriti o Waitangi, which support the relationship between Māori and the Crown rooted in participation, protection and partnership. We've observed that, although some long-lasting mechanisms were established, they encountered constraints due to the lack of binding elements and excessive room for manoeuvre granted to lawmakers and the government. Secondly, central to this approach, is the relational aspect inherent in Māori culture, which emphasises engagement, collaboration, and connection

with others, even in the face of risk or limitation. This was concretised by the implementation of a “Māori Foreign Policy” strategy, introduced by Nanaia Mahuta in 2021, displaying the use of *tikanga Māori* in policymaking. Adopting a relational perspective not only informs interactions with Pacific neighbours but also extends to fostering alliances with countries who share a commitment in embracing indigeneity. As articulated by Nanaia Mahuta, these endeavours require courage, commitment, and meaningful dialogue to strengthen inclusivity worldwide. Māori Foreign Policy thus emerges as a dynamic force, beneficial for New Zealand’s image. However, the final chapter will examine how its sustainability and effectiveness are progressively compromised by present political uncertainties.

CHAPTER 3: “Indigenous Diplomacy doesn’t exist”

The exploration of an indigenous-specific foreign policy has been a neglected area in the international relations literature, where discourses typically centre around participation, protection or representation of indigenous peoples on the world stage. However, the actualisation of Aotearoa’s ‘Māori Foreign Policy’ demonstrates how an actively committed government can go further than mere representation of Māori communities, as shown by the embrace of Māori culture, values and *tikanga*. In the early stages of my research, I initially considered Māori Foreign Policy as a unique case of indigenous diplomacy, given New Zealand noticeable success. Yet, Nanaia Mahuta emphasises, such a concept is virtually absent elsewhere: “*There is no indigenous diplomacy. There isn't any. It is not being formally articulated in any other nation except ours.*”

The first section of this chapter aims to demonstrate that this achievement, while subject to debate, emerges as an example for other countries to follow, which subsequently contributed to enhance New Zealand’s reputation as a nation that champions indigenous rights. The example of China is particularly relevant and interesting, as it reveals the capacity of the “Māori Foreign Policy” to be successfully exported. The success of the policy, in this regard, suggests that it may have contributed to perception a form of exceptionalism that is peculiar to New Zealand – an exceptionalism grounded in its indigeneity.

However, the recent political transition in New Zealand, shifting from a Labour to a centre-right Coalition Government, prompts the question of the effectiveness of current foreign policy mechanisms but also of the long-term viability of the previous ones. The subsequent section of this chapter will examine the parameters of the ‘*equal citizenship*’ policies introduced by the newly elected government. It will also suggest an analysis of their negative impact on Māori rights, not just by their reinterpretation of the Treaty of Waitangi, but also by damaging the effect of international mechanisms that were designed to support it. Here, the analysis will also explore how anti-Māori dynamics within domestic policies can be transposed to foreign policies. This could occur through direct action, by withdrawing from its commitment to the UNDRIP, or indirectly, by jeopardising relational and value-based partnerships to favour “traditional” partnerships.

Finally, the study of the dynamics between internal policies and external policies will lead to the consideration of the possibility that these policies might not solely stem from governmental initiatives but could reflect New Zealand society's indifference and

unawareness regarding Māori concerns. As a result, the “exceptional” qualities of Aotearoa as an international partner and its reputation as a champion of indigenous rights could be diminished or threatened – leading to further diplomatic challenges.

Section 1. Māori Foreign Policy: exportable or exceptional?

1.1 New Zealand and China relationship: the taniwha¹⁷⁰ and the dragon

New Zealand’s unique approach to diplomacy, in its embrace *Te Ao Māori*, and more broadly, the perception that other nations have of the country, allow Aotearoa to describe itself as ‘different’ in a sense, but relatable in another. In our interview, Nanaia Mahuta used the example of the relationship between New Zealand and China to illustrate this idea.

According to Hon. Mahuta, New Zealand’s decision to adopt an “independent foreign policy” post-World War II, that would not fully align with one bloc or the other, but rather adopt a unique stance on foreign affairs, represents a strategic advantage in cultivating ties with China. This conveys an image of New Zealand fostering a unique rapport with China, distinct from the interactions of the US, the UK, and other Western nations with the PRC. In the growing competition between communist countries like China, and the US superpower, New Zealand moderate position has bolstered trust within the NZ-China relationship. Hon. Mahuta adds:

“China was able to recognise that we weren't just a Eurocentric Western nation trying to assert its dominance on a superpower such as China. Because we had the relationship, the natural, traditional relationship with the UK and US, (and) with our traditional partners (in) Canada and Australia. What they recognised in New Zealand, is that we ultimately are a country in, and of the Pacific.”

This would lead to Aotearoa becoming one of the earliest nations to secure a Free Trade Agreement with China in 2008, following only Hong Kong, Macau, Chile, and Pakistan. I inquired Interviewee A about their opinion on the China-New Zealand relationship, to which they answered:

“China remains incredibly important, a very important trade partner. [...] Māori businesses are very invested in the China relationship. Since that FTA came into force in 2008, Māori have invested heavily, not just in the commercial relationship, but in the cultural relationship, particularly since the Shanghai World Expo and

¹⁷⁰ d: Supernatural creatures legendary in Māori tradition

various other events and two-way high-level visits, China's been seen as a very important partner. Māori are very invested in that market, and they can charge a premium price for products that they wouldn't get a premium price for in other markets. And so, China remains incredibly important, and so how we manage that relationship in relation to broader geopolitical issues”¹⁷¹

China is, indeed, a major trading partner of New Zealand. Accounting for \$16,3 billion (NZD) worth of goods imports in New Zealand, and \$18.4 billion exports to China, this trade relationship nearly doubles the prevalence of New Zealand's trade with Australia.¹⁷² These figures confirm the necessity of maintaining harmonious relationship with China to ensure New Zealand’s economic wellbeing.

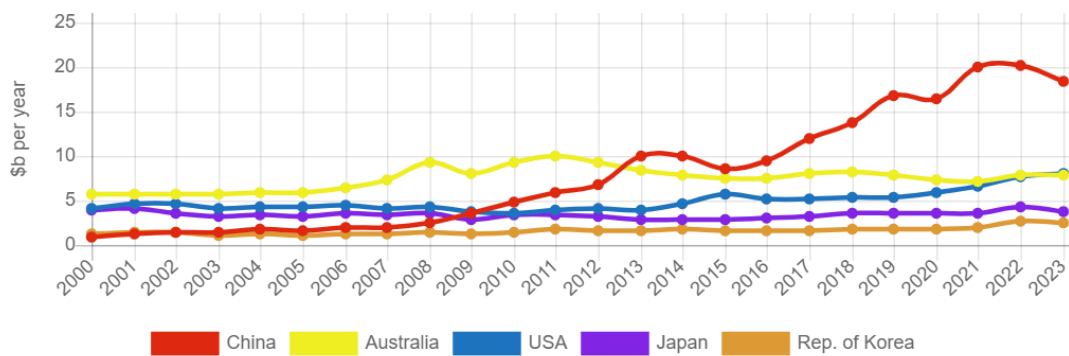


Table 3: New Zealand's Goods Exports: Top Markets (NZ\$b per year) - Source: NZ China Council

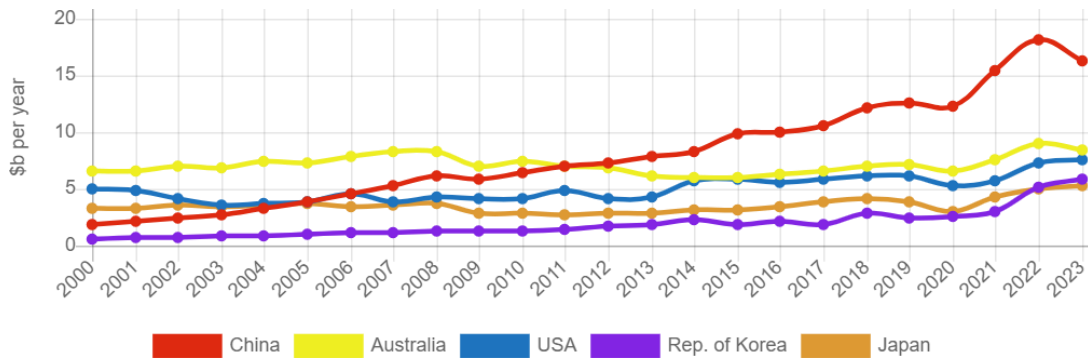


Table 4: New Zealand's Goods Imports: Top Sources (NZ\$b per year) - Source: NZ China Council

However, it appears that China is more than a trading partner to New Zealand, as the nation seeks to foster a diplomatic rapport with China that transcends purely economic objectives. In an interview excerpt with Hon. Nanaia Mahuta, she explains how Aotearoa maintains a strong relationship with China, despite potential disagreements. In our interview,

¹⁷¹ Annex B - Extract of interview #2 with Interviewee A

¹⁷² Statistics - New Zealand China Council. <https://nzchinacouncil.org.nz/statistics/>. Accessed 17 May 2024.

Mahuta underscores New Zealand's ability to be forthright with China while maintaining integrity. By stating: *“We never say one thing to China's face and another behind its back.”*, she emphasises the importance of honesty and respect – or *mana*. This dynamic also recalls the principle of *manaakitanga*, which encompasses consistency and transparency. Mahuta articulates, *“Our approach is to be respectful, consistent, and very transparent in our dealings with China”*. Looking at this relationship through the lens of *whanaungatanga* offers another perspective. As Interviewee A explains it could be: *“a bit like a family relationship. You don't cut your family member out just because you have an argument or a disagreement or a difference in views. We have to keep coexisting together, and there's no set pattern or guide for managing that particular relationship.”*

Maintaining *whanau*-like relationship with China, could pave the way for New Zealand's prosperity through the shared benefit of trade agreements, all while maintaining the freedom to express its opinion, for example, on matters related to human rights. Nanaia Mahuta eloquently compared this relationship to that of the dragon and the *taniwha* – a Māori mythical creature that looks like a dwelling serpent. I delved into this analogy with Interviewee A, who elaborated on this significance:

“Here in New Zealand, historically, going back hundreds of years, from a Māori perspective, we've always had to constantly balance tensions and relationships between different tribes. And so how does one tribe maintain their authority and their relationship with another tribe that they may be in partnership or tension with, while also respecting their sovereignty or their power to decide? She does say that we have experience, and that it's difficult to manage, and it is done by maintaining those ongoing dialogues and ongoing relationships, even on matters where we disagree, and that's essentially how she describes New Zealand's relationship with China.”

The example of China is particularly revealing of the exceptional nature of New Zealand diplomacy, which is based on its indigeneity.

1.2 Leveraging indigeneity for New Zealand's exceptionalism

When I considered Māori Foreign Policy to be a unique form of indigenous diplomacy to New Zealand, Nanaia Mahuta enlightened me:

“There is no indigenous diplomacy. There isn't any. I mean that the only indigenous diplomacy that exists is in the informal, not recognised, not state recognised insurrection that occur between Māori people or first nations or indigenous people. It is not being formally articulated in any other nation except ours.”

“Well, I think we have a lot to offer in terms of how experience in New Zealand can be transferable and connect to other countries that have had similar experiences. Peacekeeping, the development of space policy and thinking about a common approach to looking after space with Kaitakitanga is the overriding approach. I think the indigenous Foreign Policy is a real opportunity to New Zealand”

Looking at this declaration, it could be argued that New Zealand’s confidence in its historical legacy, indigenous context and value system to frame and shape international relations translates, to some extent, to a form of New Zealand exceptionalism.

The notion of exceptionalism was primarily used in scholarly discourse to describe the way in which the United States of America perceives itself on the world stage. Stemming from the idea of “manifest destiny”, two definitions can be given to this notion, one implying that there is something “different” about America or that there is something special about it.¹⁷³ The first definition argues that *“America displays greater difference overall from these nations than they display from one another”*¹⁷⁴. The second definition also has two interpretations, one where "specialness" refers to the possession of a certain quality, and the other where this quality implies a mission; a calling for Americans to fulfil, characterised by responsibility rather than opportunity.

In light of these definitions, a first aspect of New Zealand’s exceptionalism manifests in its “different” approach to foreign policy. New Zealand has notably emphasised on maintaining an “independent” foreign policy, avoiding alignment with any bloc. This sentiment was reaffirmed by Nanaia Mahuta in our interview: *“Similarly, so with the US: we defend our independent foreign policy, we don't want to be pulled from pillar to post as a country, we're very clear on what we can work together. We're very clear that we will not just hitch our trailer onto their track on all issues, every time.”*

A second aspect of New Zealand’s exceptionalism lies in the idea that its system’s “special” features are valuable, and could potentially be picked up by other countries, encouraging them to explore alternative approaches to diplomatic relations. Rather than relying on the notion of manifest destiny, rooted in religious belief, like its American counterpart, New Zealand exceptionalism stems from its indigeneity. Its capacity to leverage

¹⁷³ Caesar, James W. ‘The Origins and Character of American Exceptionalism’. *American Political Thought*, vol. 1, no. 1, May 2012, pp. 3–28. *journals.uchicago.edu* (Atypon), <https://doi.org/10.1086/664595>.

¹⁷⁴ Caesar, 2012, p.8.

Māori values and *tikanga* facilitates engagement with other nations, even with those who don't share commonalities at the first glance.

Additionally, the high esteem Americans hold for the USA often stems from a common belief – conveyed by politicians, especially conservatives – that the US is the premier world power, leading foreign affairs, shaping the trajectory of the world and defining “universal values”. What makes New Zealand “exceptional” in this regard, according to Nicholas Smith, is that unlike Western sciences and Western way of knowing, that are seen as universal by scholars, policymakers and leaders:

“New Zealand’s policies are not revolutionary, but it does show how new ideas can be applied in what is still typically a Western-centric foreign policy apparatus. The Māori worldview can be a very useful foreign policy lens because it’s a far more complex way to view international relations. For example, on climate change, one of the massive limitations with the Western-centric model is the focus on the dominance of humans. The Māori perspective is intergenerational, not human-centric, and focuses on our duty as stewards and guardians.”¹⁷⁵

This approach suggests using *tikanga Māori* and *Te Ao Māori* as a new lens to conduct and reflect on foreign policy. Nanaia Mahuta emphasised that *tikanga Māori* can even be a driver for credibility on the world scene, notably in Aotearoa’s relation with China: *“It’s a relation-based approach and invoking the values, Māori values. It’s a strong platform to step into when you want to ensure that the relationship, for whatever outcome you’re seeking, is credible.”* This credibility notably enables New Zealand to assert itself as a leader in indigenous rights, an image that Nanaia Mahuta committed to further through her policies.

1.3 Championing indigenous rights requires the intention to maintain it.

During our discussion, Nanaia Mahuta states: *“We have so much to share”*. This strong assertion implies that such a framework, or the initiative to use an indigenous framework, could be exported and used by other nations, and that Aotearoa has a role to play as a champion for indigenous rights. Such ideas and initiatives, not to remain mere political speeches and uncompleted programmes, need to be thoroughly implemented, and require political champions to advocate for them. (1.3.2) However, should the champion be missing, the future of the Māori Foreign Policy could be compromised (1.3.1)

¹⁷⁵ Holster, Bonnie, and Nicholas Ross Smith. *New Zealand’s New Approach to China and the Pacific*. Chatham House - International Affairs Think Tank, 7 Sept. 2023, <https://www.chathamhouse.org/2023/09/new-zealands-new-approach-china-and-pacific>.

1.3.1 Avoiding tokenism takes proactivity and tangible actions

When trying to effectively and sustainably implement affirmative action policies or inclusive policies – such as the engagement policies toward Māori – one obstacle that is often met is that of tokenism. Kanter, in a founding study from 1977 defines tokenism as “*artificial appearance achieved by including a limited number of individuals in the minority group in effective positions within the existing group due to their characteristics (gender, race, religion, age, etc.) accepted as disadvantage or groups’ characteristics different from the dominant group.*”¹⁷⁶.

The issue of tokenism has been extensively discussed in scholarly circles, particularly concerning educational practices. There is a strong belief that education should move beyond tokenism, understood as “*symbolic gestures*”; “*these techniques might give the appearance of reconciliation, but they are inauthentic and do little to create transformative change. Instead, they reinforce or maintain the status quo.*”¹⁷⁷. To decolonise education, Cooper et al. condone that one should use “*a pedagogical approach that centres on relational learning*”¹⁷⁸ where there is an explicit knowledge exchange where ideas that are held to be true are unpacked and challenged. This was the initial attempt of “Kaupapa Māori”, developed in 1990s, relating to the theoretical and practical space within which Māori-centred work could be done. However, it was, according to Hoskins and Jones, considered as “taha Māori” approach—cultural additions to existing practices. In this sense, Māori matters as a top layer on an existing framework would be assimilated as a form of tokenism. Kaupapa Māori, therefore, needs to be thoroughly drafted. To some extent, such an approach to challenge tokenism could be applied to the enforcement of inclusive foreign policies, such as Māori Foreign Policy. I asked Nanaia Mahuta on ways in which this strategy can be promoted without becoming token. She explains¹⁷⁹ :

“The only way you can do that is by having a layered approach on indigenous Foreign Policy inclusion. In a relational point of view, in terms of building those critical relationships and exploring the potential of these relationships fully. In terms of strengthening democracies, strengthen the delivery towards indigenous

¹⁷⁶ Sürgevil Dalkılıç, Olca. “Conceptual Framework about Tokenism Phenomenon in Organizations.” *International Journal of Contemporary Economics and Administrative Sciences*, vol. 9, no. 2, Dec. 2019, p. 205 <https://doi.org/10.5281/zenodo.3537908>

¹⁷⁷ Cooper, Elizabeth, et al. ‘Beyond Tokenism: Relational Learning and Reconciliation Within Post-Secondary Classrooms and Institutions’. *Canadian Journal of Native Education*, vol. 40, no. 1, 1, 2018. p.55 , <https://doi.org/10.14288/cjne.v40i1.196602>.

¹⁷⁸ Cooper et al. 2018, p.60.

¹⁷⁹ Interview #1 with Nanaia Mahuta

people based on the shared experience potentially trade and economic, cultural revitalisation, social inclusion. There are so many things that we can share.”.

Nanaia Mahuta further explains that “*you need to be intentional*”. Engagement, as it was stated earlier in this paper, implies a sense of proactivity. The efficiency of Māori Foreign Policy, in this regard, lies in the amount and the degree of effort put into this objective, and the need for the whole structure to commit to this strategy. In this context, changes need to be “whole of system changes”, or else they would have no chance to survive and there would be very small opportunity for goals to be reached, and for values to be upheld. The former Minister compared the implementation of an indigenous foreign policy with that of a feminist foreign policy, which was also one of her objectives when she was in office.¹⁸⁰

“It is like feminising FP. It is easy to say, but when you start looking at the delivery points of what a feminist foreign policy looks like, then you start to understand how whanging it is to deliver on this. [...] End of my term as a minister, I have appointed the most women as head of missions for New Zealand. And that did not happen by accident, that happened because I knew that soft power had a place in the world and that it needed to be demonstrably felt and some their key posts, have never had women. That’s one way. The other way is in the senior leadership team of our Ministry. [...] I’ve got to a point of having 60/40 by the time I left, in the senior leadership team. That’s in the span of three years. [...] But my point is, if you want to deliver on feminist FP, you’ve got to be very intentional about how you do that. [...] That’s just one example of “it sounds good, but it has to be delivered on that” and it requires champions in all layers.”.

A comparison of MFAT performances over time provides a great overview for assessing how the Māori Foreign Policy has been effectively implemented. This assessment can be made in the lights of the past efforts to uphold the principles of Te Tiriti and respect engagement with Māori as enacted in the 2001 Cabinet Guidelines. Additionally, the issue of tokenism becomes evident when considering the heightened differences between the 2019 reports of the National Government and those of 2021-2022-2023 from the Labour Government. While progress is highlighted in the 2019 report, mentions of 'trade for all' are

¹⁸⁰ Smith, Nicholas Ross, and Bonnie Holster. *New Zealand: Can an Indigenous Foreign Policy Deliver?* Brussels School of Governance - Centre for Security, Diplomacy and Strategy, 13 Dec. 2022, p. 5, <https://www.brussels-school.be/research/publications/new-zealand-can-indigenous-foreign-policy-deliver>. The authors take a nuance approach, stating that Nanaia Mahuta should take the failure of the Swedish feminist diplomacy strategy as a “canary down the mine”, as such a policy could bring more complexity to the relationship New Zealand entertain with countries who struggle with their indigenous populations, meaning they will “have to choose between national interests and ethical values” .

scarce – 12 times over 140 – and references to Māori are limited to 36 times. In comparison, the term Māori is used 82 times in the 2022 report – 147 times in the 2023 report –, with passages translated into *te reo Māori*, the Māori Foreign Policy as also detailed, and the *tikanga Māori* were defined. The reports also recall “*Te Tiriti is at the core of our work. [...] Te Tiriti o Waitangi sets out a partnership framework between Māori and the Crown and provides the foundation for Aotearoa New Zealand’s approach to foreign policy.*”

1.3.2 Is there a future for a beheaded policy?

Although Nanaia Mahuta’s approach to Māori Foreign Policy showed some important progress in regard to both the participation of Māori in Foreign Affairs and the use of a Māori framework to conduct diplomacy, it might have been received with more or less enthusiasm by the population as well as by government officials themselves. I asked my two other interviewees about their perception of the policy, whether they have noticed changes, and whether they believe it was pushed far enough.

Te Ururoa Flavell :

*“No. No, probably not. Despite the fact that Minister Mahuta attempted to do her best, as far as I’m aware. There’s been two foreign ministers who have been Māori. One has been Hon. Mahuta and the second is the current foreign minister. One of them is a good overview of Māori philosophical view of the world, which she’s been presenting that in her words in her policy. **And the current minister has little grounding, if anything, albeit he’s Māori, in those sorts of values, nor indeed a really solid understanding about te ao Māori,** So, you know, you have to put it in some sort of context that firstly, yeah, **Nanaia did a good try.** And those are values that we have as a part of our society, Māori society anyway. **But has it been adopted or picked up? Not that I’m aware of. Is it likely to? Probably not.** Simply because, you know, it has to be a government push. And most governments today, firstly, struggle with the relationship with Māoridom and secondly, struggle with the notion that Māoridom could enter into discussions with other nations because that just hasn’t been done in New Zealand history”*

Interviewee A:

*“I think **there’s always more that can be done**, more that could be done, but all of that, you know, it pushes the boundaries. It pushes the policy boundaries. It **pushes the boundaries about what other countries are comfortable agreeing to.** And so, if we are asking for certain things that represent Māori interest, they might not be things that other countries want to agree to.”*

During the first month where I explored the topic of this thesis, the Labour Government was still ruling in Aotearoa New Zealand, and Nanaia Mahuta was still in office.

However, after the election of a majority of National MPs, the future of the Māori foreign policy was challenged. It can be argued that the adoption of this policy set certain standards and expectations, especially among those who advocated for its implementation, who see the current political atmosphere as a threat to the existence of a policy, and a risk to go backward. Therefore, it looked necessary to start exploring not only the details and the origins of the Māori Foreign Policy, but also question its sustainability within a right-wing government. I asked this question to Nanaia Mahuta, who reflected on the opportunities that a Māori Foreign Policy represents for New Zealand, while admitting that:

“My predecessor who has been returned as foreign minister in this government is Māori, but he didn't give any voice to indigenous values. Let's not think that every Māori has an idea of what an Indigenous Foreign Policy look like. I was very deliberate about it because I felt that it was a wonder of opportunity for New Zealand to benefit. But you know, Winston Peters, he probably won't go anywhere near it because he's uncomfortable about its own identity and ability to confidently take an Indigenous stance forward.”

“E: Do you think that the approach you introduced has a chance to be continued by the current government?”

*NM: It's unlikely, it's unlikely. You really needed a concerted effort to drive at all levels, but at the political level, absolutely, the type of change that I was promoting. I have always felt that an Indigenous Foreign Policy for NZ perspective could **broaden our diplomatic toolkit**. It could ensure that we had progressive economic inclusion of Māori through our various agreements, from collaboration agreements to trade agreements, to [...] economic inclusion to address inequality, poverty, systemic challenges with the nations around colonisation, but primarily opportunities for mediated conversations around self-determination and the like. So, I always felt that those were the areas of opportunity, **but it needed a political champion as well as the ministry to embed the types of changes that would see policy being developed**, that was able to demonstrate how we're achieving these whole-of-system changes.”*

New Zealanders concern and engagement in matters concerning Māori remains low, particularly among Right-wing voters who represent the majority of the New Zealand electorate. According to an IPSOS survey¹⁸¹, inflation, cost of living, housing and healthcare remain the top priorities among the population. Among youth aged 18-34, Māori issues are ranked seventh, and they do not appear in the top eight priorities for the rest of the population. Overall, only 8% of respondents ranked Māori issues in their top three national

¹⁸¹ 23rd Ipsos NZ Issues Monitor for February 2024. IPSOS NZ, 18 Mar. 2024, <https://www.ipsos.com/en-nz/23rd-ipsos-nz-issues-monitor-feb-2024>.

priorities. Māori are also more likely to say that issues facing Māori (ranked 3rd) and poverty (ranked 4th) are the top issues in New Zealand. Comparatively, foreign affairs are not a matter of importance for most New Zealanders, with only 2% ranking it as one of their top 3 issues. The National Party is perceived as the most capable of managing this particular field.

Section 2. Rise and Fall of the Māori Foreign Policy: which consideration of indigeneity by the National Coalition Government?

“Political climate has changed a hell of a lot. Attitudes have hardened.”

Te Ururoa Flavell, during our discussion

3.1 The promotion of an “equal citizenship” at the expense of Māori communities

The National Party of New Zealand was elected with a 38.08% majority, up from 12.51% in 2020, defeating the Labour Party, which obtained 26.91% of the votes, down from 50% in 2020.¹⁸² Together with the ACT Party (8.64% of the votes) and New Zealand First (6.08%), they secured 67 seats out of the 121 seats in Parliament, leading to the establishment of a centre-right coalition. Christopher Luxon, leader of the National Party, became the Prime Minister, while Winston Peters, leader of New Zealand First, assumed the role of Deputy Prime Minister and Minister for Foreign Affairs and Trade.

In the 2023 Elections, the three parties campaigned for similar political agendas, including lowering inflation, reinforcing law and order, free markets, economic opportunities for New Zealanders, supporting for primary industries, improving the delivery of health services and enhancing individual freedom. All put a particular emphasis on nationalism, but above all, they joined in their common disregard for Māori and Māori rights.

Taking the New Zealand First – National Coalition Agreement, signed on 24 November 2023, as an example, Māori' is mentioned six times in their policy. Only one mention refers to the improvement in services directed at Māori – the¹⁸³ increase of resources for Māori wardens. All other references to Māori seemingly aim to contest or undermine Māori rights, by homogenising the population and recalling the historical principle of New Zealanders as forming 'one people' – the expression used by Hobson at Waitangi in 1840

¹⁸² ‘2023 General Election - Official Result’. *Electoral Commission*, https://archive.electionresults.govt.nz/electionresults_2023/. Accessed 8 May 2024.

¹⁸³ *2023 Coalition Agreement*. New Zealand First, 24 Nov. 2023, <https://www.nzfirst.nz/coalition-agreement>. P.8.

after the signing of Te Tiriti. These reforms, impacting Māori, are threefold: the health system, the use of Māori and English languages, and the reintroduction of the principle of 'equal citizenship'.

The manifesto explains that *“To improve the effectiveness, efficiency and responsiveness of public services, the Parties will: [in the health sector] Abolish the Māori Health Authority”*¹⁸⁴.

Yet, the Māori Health Authority | *Te Aka Whai Ora*, a statutory entity established in July 2022, is a significant element in the development of Māori-sensitive policies. It aimed at working in partnership with *Manatū Hauora* – Ministry of Health – and *Te Whatu Ora* – Health New Zealand – to ensure the health system was well-fitted Māori and responded to their particular needs and concerns, to eventually deliver better outcomes. The Pae Ora Amendment Act was introduced by the Minister for Health to effectively abolish the Māori Health Authority, its final lecture was made on 28 February 2024. The Minister justified his choice by advocating a local and community-based approach to health, allowing for the participation of *iwi-Māori* partnership boards in the planning and delivery of healthcare in their communities¹⁸⁵.

During the last lecture of the bill, Green MP Hūhana Lyndon took the floor and described the disestablishment of the authority as a form of *“recolonisation of hauora Māori”* and added *““There is a strong feeling in our kāinga and within iwi that we’ve been ripped off by this Government. Disestablishing Te Aka Whai Ora now ... we’ve never got a chance to see the waka grow and reach its full potential. [...] This Government undermines the Waitangi Tribunal. [...] I ask again: where is the justice?”*¹⁸⁶

¹⁸⁴ 2023 Coalition Agreement. New Zealand First,P.6.

¹⁸⁵ Hon Dr Shane Reti. *Māori Health Authority Disestablished*.

<https://www.beehive.govt.nz/release/m%C4%81ori-health-authority-disestablished>. Accessed 8 May 2024.

¹⁸⁶ Stewart, Ella. ‘How the Coalition Plans to Replace the Quickly Scrapped Māori Health Authority’. RNZ, 18 Apr. 2024, <https://www.rnz.co.nz/news/in-depth/514549/how-the-coalition-plans-to-replace-the-quickly-scrapped-maori-health-authority>.

NZF – National Agreement	<p><i>Reverse measures taken in recent years which have eroded the principle of equal citizenship, specifically we will:</i></p> <ul style="list-style-type: none"> - <i>Remove co-governance from the delivery of public services.</i> - <i>As a matter of urgency, issue a Cabinet Office circular to all central government organisations that it is the Government's expectation that public services should be prioritised on the basis of need, not race.</i> - <i>Restore the right to local referendum on the establishment or ongoing use of Maori wards, including requiring a referendum on any wards established without referendum at the next Local Body elections.</i> - <i>[...]</i> - <i>Amend the Waitangi Tribunal legislation to refocus the scope, purpose, and nature of its inquiries back to the original intent of that legislation.</i> - <i>Conduct a comprehensive review of all legislation (except when it is related to, or substantive to, existing full and final Treaty settlements) that includes "The Principles of the Treaty of Waitangi" and replace all such references with specific words relating to the relevance and application of the Treaty, or repeal the references.”¹⁸⁷</i>
ACT-National Agreement	<p><i>“To uphold the principles of liberal democracy, including equal citizenship and parliamentary sovereignty, the Parties will:</i></p> <ul style="list-style-type: none"> - <i>Remove co-governance from the delivery of public services</i> - <i>Ensure government contracts are awarded based on value, without racial discrimination.</i> - <i>Issue a Cabinet Office circular to all central government organisations that it is the Government’s expectation that public services should be prioritised on the basis of need, not race, within the first six months of Government.</i> - <i>Repeal the Canterbury Regional Council (Ngāi Tahu Representation) Act 2022.</i> - <i>Restore the right to local referendum on the establishment or ongoing use of Māori wards, including requiring a referendum on any wards established without referendum at the next local body elections.</i> - <i>Introduce a Treaty Principles Bill based on existing ACT policy and support it to a Select Committee as soon as practicable.”</i>

Table 5: Comparison of the National-New Zealand First and National-ACT Agreements

Alongside the decision to abolish the agency, the manifesto introduces several goals to establish English as an official language of New Zealand and reinforce its use in government agencies. Although Māori was made an official language in 1987 and New Zealand Sign Language in 2006, English was never enshrined as an official language. Therefore, legislating on this matter was, according to NZ First MP Clayton Mitchell, a way

¹⁸⁷ NZF – National Manifesto, p. 10.

to “*rectify a long-standing issue*”.¹⁸⁸ However, its widespread use made it a de facto official language—or a default language, according to then-Justice Minister Amy Adams in 2015. It was argued that the legislation would not change a thing, since the English language is not threatened to disappear and does not represent a social problem—usually the reason for legislating on languages—as it is spoken by most of the population and used in all public and official settings. These propositions, which aim to recall the primacy of the English language over te reo Māori, include making English an official language of New Zealand, ensuring that English names are given to public services departments, and that their workers communicate primarily in English, except for those specifically related to Māori¹⁸⁹

Lastly, the Coalition has made several announcements to uphold the principle of ‘equal citizenship’ where policies and policymaking would not be based on ‘race’ but rather driven by needs. To investigate these propositions, the National-ACT Coalition Agreement, and the National Party Manifesto will be used as primary sources (See Table 3)

The proposed policies introduce a number of worrying reforms for Māori rights and for the structures and mechanisms established until now to uphold these rights. The removal of co-governance in the delivery of public services appears as a major threat, especially concerning the terms of Te Tiriti, which ensure that *rangatiratanga* will be maintained over Māori resources and taonga, and in relation to the 2019 Treaty of Waitangi Guidance Document, which calls for further participation of Māori in policymaking and decision-making. Additionally, the Coalition government is looking to review and redefine the “principles of the Treaty of Waitangi”, as suggested by ACT leader David Seymour, who proposes holding a referendum on the topic.

The scope, objectives, and missions of the Waitangi Tribunal would also undergo review. To defend their decision, Seymour argued that “*This country deserves a say on what the Treaty means. It's everybody's country and everybody should have a say in how its constitutional arrangements evolve and develop*”.¹⁹⁰ To support the principle of equal citizenship, the Coalition Government advocates for a vision where discrimination based on race or ethnicity is illegal and should be ruled out, including affirmative actions in favour of

¹⁸⁸ Kenny, Katie. ‘NZ’s Official Languages: What You Need to Know’. *RNZ*, 14 Dec. 2023, <https://www.rnz.co.nz/news/what-you-need-to-know/504722/nz-s-official-languages-what-you-need-to-know>.

¹⁸⁹ NZF – National Manifesto, p. 9.

¹⁹⁰ RNZ. “New Government Plans to Review Treaty of Waitangi Principles.” *RNZ*, 24 Nov. 2023, www.rnz.co.nz/news/national/503168/new-government-plans-to-review-treaty-of-waitangi-principles.

Māori. All citizens of New Zealand have the same rights and duties; therefore, the delivery of public services should not be based on criteria other than “needs”. However, this argument contradicts the principle of politics of indigeneity, which calls for a rights-driven approach to policymaking concerning indigenous people.

The reforms, intended to review the management of agencies contributing to Māori, governance-sharing, and the overall interpretation of the Treaty of Waitangi and its effects, introduce significant changes to the domestic political dynamics of New Zealand. However, these changes are not limited to internal policies; they also affect foreign policies and diplomacy.

3.2 Shifting Foreign Policy priorities

2.2.1 Reversing the trend on UNDRIP by abolishing He Puapua

The National-NZ First coalition agreement comprises a number of elements that put significant strains on the rights of Māori to participate in foreign affairs and foreign policymaking. First, it does so by revoking the use and application of the UNDRIP in New Zealand and associated affairs.

“Reverse measures taken in recent years which have eroded the principle of equal citizenship, specifically we will:

- *Stop all work on He Puapua*
- *Confirm that the Coalition Government does not recognise the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as having any binding legal effect on New Zealand.”¹⁹¹*

He Puapua, a report and working group commissioned by Te Puni Kōkiri, aimed at outlining several strategies to realise the commitments of the UN Declaration on the Rights of Indigenous People in New Zealand. Some important conclusions of *He Puapua* were that, “*Aotearoa is comparatively advanced globally in providing for Māori inclusion in kāwanatanga Karauna (state governance) and cultural rights, there is still room for improvement*”¹⁹² The report acknowledges that Aotearoa has “*reached a maturity where it is ready to undertake the transformation necessary to restructure governance to realise rangatiratanga Māori [which is] reflected in some existing governmental initiatives, law*

¹⁹¹ NZF – National Manifesto, p. 10.

¹⁹² Charters, Claire, et al. *He Puapua - Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand*. Te Puni Kōkiri, 1 Nov. 2019, p. iii.

and policy, the voice of Māori and jurisprudence". The report calls for increased consideration of *rangatiratanga*, which includes recognition of Māori governance over Māori matters and applying *tikanga Māori* under Māori authority and, "where appropriate", under Crown/ *kāwanatanga* authority. It also advocates for a bi-cultural state governance, stronger protection for te Tiriti o Waitangi, improved management of lands, territories, and resources, promotion and protection of the integrity of te reo Māori, and increased respect for Māori culture by New Zealanders.

Conversely, the Coalition Government, especially NZ First and ACT, has been strongly opposed to the conclusions of *He Puapua* since its unofficial release. They argue that the propositions contribute to the division of New Zealanders into groups. The ACT leader added: "*ACT believes all New Zealanders should have equal rights and opportunities. This report isn't going to deliver that. This is a divisive plan, and it will set one group of New Zealanders against another. The Government must stop exploiting our differences and focus on the common dignity of all New Zealanders.*".¹⁹³ According to Te Ururoa Flavell, Winston Peters' motivations to undo Aotearoa's steps forward in the implementation of the UNDRIP stem from that "*he wasn't aware of that happening at the time, and it was done under, without his consent, all that sort of stuff. Well, no, he wasn't even in government, and we had every right to go ahead and do that. Well, yeah. But this is a part of that agenda of taking us out of the consolidation of indigenous peoples around the world and what's happening in that regard.*"¹⁹⁴

On the one hand, the cessation of all *He Puapua* activities ordered by the National-led government does fulfil the objective of the coalition to 'Reverse measures taken in recent years,' notably by diminishing the rights that were acknowledged to Māori by Te Tiriti. On the other hand, such a decision reveals a disengagement of the Government towards Māori in an international context. Taking steps backwards regarding the UNDRIP by asserting its non-binding character is the first significant illustration of distancing from the goals and progress that were made in the realm of foreign affairs regarding better consultation of Māori under the principles of partnership, participation, and protection of Māori under Te Tiriti o Waitangi. Te Ururoa Flavell, who was an active advocate for the ratification of the UNDRIP,

¹⁹³ 'Govt Must Reject He Puapua'. ACT New Zealand, https://www.act.org.nz/govt_must_reject_he_puapua Accessed 9 May 2024.

¹⁹⁴ See Appendix C

explained in our interview the context in which it was implemented and the immediate concerns it raised:

*“Until finally, because the political relationship, the Māori party and the National Party, we were able to get it over the line. [...] And that was a major, major coup in acknowledgement, in finally acknowledging indigenous rights. But of course, the downside with the UN is that **it's almost a waste of time**, simply because governments don't have to, while they sign it, **they don't have to follow it**. And there is no monitoring over except from Special Rapporteur coming from time to time. Then they go and write a report. Then they send it back to the government. The government has to either ratified or otherwise, will disagree with it. But nothing happens after that, that's just a report. So, **it was a symbolic move**. And celebrated at home by academics and those who were aware of the significance of being a signatory to the UN Declaration and the clauses that were in it, and the solidarity that we had with other indigenous nations around the world. **But actually, in practical reality, it didn't mean a thing**. And right now, the current foreign minister has put forward that they withdraw from the obligations to the Declaration.”*

2.2.2 Switching traditions: turning its back to Māori culture, favour “traditional partners”

One of the most noticeable changes in MFAT policies after Winston Peters assumed office is a shift from a Pacific-centred focus to a re-engagement with “*traditional and like-minded partners*”.¹⁹⁵ While his programme calls for the revitalisation of the Pacific Reset Plan, which was set aside by Nanaia Mahuta in favour of a Pacific Resilience Strategy, the added distinction lies in a particular emphasis on bolstering security cooperation across the Pacific. Furthermore, their vision of like-minded partners differs. Nanaia Mahuta placed an emphasis on nurturing ties with other Pacific countries, highlighting shared cultural elements, and thus a similar mindset. Conversely, Peters envisions “like-minded” partners as Western countries, which share similar priorities in terms of Defence and Security and possessing the capacity to “*more efficiently advance and defend our interests and capabilities*”. This notably showed through his first speech as a Foreign Affairs Minister, which he delivered to the U.S. Business Summit. He declared that “*there are few relationships that matter more to New Zealand, than our relationship with the United*

¹⁹⁵ <https://www.beehive.govt.nz/speech/speech-new-zealand-institute-international-affairs-parliament-%E2%80%93-annual-lecture-challenges>

States”¹⁹⁶ and reaffirmed his enthusiasm regarding the opening of new U.S. embassies in the Pacific.

Following the same strategic orientation, MFAT has considered exploring opportunities to join AUKUS. The trilateral security agreement between Australia, the United Kingdom and the United States moves to “*promote deeper information sharing and technology sharing; and foster deeper integration of security and defence-related science, technology, industrial bases and supply chains.*”¹⁹⁷ The partnership is organised into two pillars. The first pillar focuses on the joint acquisition of conventionally armed, nuclear-powered submarines by Australia at the earliest feasible date. New Zealand has enforced the Nuclear Free Act in 1987 and established New Zealand territory and coastal waters as a Nuclear Free Zone, prohibiting the visit of nuclear-powered and nuclear-armed vessels and aircraft capable of carrying nuclear weapons.¹⁹⁸ Consequently, New Zealand cannot legally take part in the first Pillar of AUKUS. The second pillar, however, emphasises the need for “advanced capabilities” through collaboration, especially in cyber-defence and the protection of sensitive technologies, which is a field New Zealand could participate in developing.

In a speech to the New Zealand Institution for International Affairs on 1 May 2024, Hon. Winston Peters stated that AUKUS discussions were initiated under former Prime Minister Chris Hipkins and Nanaia Mahuta’s administration in 2023. As of May 2024, the Ministry is still exploring with its partners the scope of Pillar II. The Minister added that the precondition for New Zealand to join AUKUS, which is an invitation from AUKUS partners to participate in Pillar II, hasn’t been met yet. However, criticism of a potential entrance of Aotearoa into the partnership arose for two principal reasons. First, it would undermine the relationship with China, developed through trade agreements and encouraged by Nanaia Mahuta’s Māori Foreign Policy.¹⁹⁹ Joining AUKUS would also threaten diplomatic ties

¹⁹⁶ Hall, Nina, and Rhieve Grey. ‘New Zealand Abandons Indigenous Rights and Pacific Priorities in Foreign Policy’. *The Diplomat*, 21 Dec. 2023, <https://thediplomat.com/2023/12/new-zealand-abandons-indigenous-rights-and-pacific-priorities-in-foreign-policy/>.

¹⁹⁷ ‘AUKUS: The Trilateral Security Partnership Between Australia, U.K. and U.S.’ U.S. Department of Defense, <https://www.defense.gov/Spotlights/AUKUS/>. Accessed 9 May 2024.

¹⁹⁸ Certainly as a response to France’s nuclear testing in the Pacific in the preceding decades

¹⁹⁹ The Chinese Embassy in Wellington notably reacted by stating that “groundless accusations have been made on China’s internal affairs” in a joint statement made by Australia and New Zealand that expressed “grave concerns about human rights violations in Xinjiang” and also congratulated the great progress made by AUKUS in the Indo-Pacific. Source: Miller, Geoffrey. ‘Wang Yi’s Perfectly Timed Visit to New Zealand’. *The Diplomat*, 18 Mar. 2024, <https://thediplomat.com/2024/03/wang-yis-perfectly-timed-visit-to-new-zealand/>.

between New Zealand and the Pacific, which has been critical of the trilateral partnership, arguing that it did nothing to address the Pacific's number one security concern, climate change, but rather emphasised containing China.²⁰⁰

In the same speech, Hon. Winston Peters confirmed that MFAT will aim to enhance multilateral engagement; *“to global or transboundary issues where we have direct interests or where core New Zealand values and freedoms are at stake.”* However, the definitions of New Zealand values and freedoms remain unclear, and they are likely to be influenced by political and ideological perspectives, which may lead to the exclusion of Māori values and rights from the discourse of MFAT. The disconnection with China through the establishment of new ties with “traditional partners” already poses a significant challenge to a foreign policy that follows the steps of the former Ministry.

2.2.3 A shift bolstered by the lack of binding instruments

Beside the shift in strategic orientation of MFAT, another threat for Māori rights to take part in foreign policy making is the lack binding instruments to ensure that this right will be respected and protected. For instance, IPETCA has raised questions about its long-term sustainability, as it stipulates that parties must respect the rights granted to indigenous peoples by the UNDRIP. However, recent announcements renouncing recognition of the UNDRIP could potentially jeopardise the ongoing success of the partnership. On the other hand, UNDRIP being a non-binding document altogether, it is reasonable to posit that IPETCA's objectives will be pursued despite the Coalition refusal to acknowledge the UNDRIP as a guiding document for policymaking.

About the impact of these recent policy changes, I sought clarification to Interviewee A on whether the 2001 Cabinet Guidelines and the Treaty Exception clause could be subject to change, or if they were too well implemented in the Foreign Policy Landscape to be threatened. They responded with nuance, acknowledging their belief in the durability of these mechanisms while also conceding the significant challenges posed by the current political atmosphere.

“Over the last two decades plus, there have been some established policies and procedures that have evolved out of what we have understood the Treaty of

²⁰⁰ Hall and Rhieve, 2023.

Waitangi to mean. It is hard to say at this stage what those changes, if any, may be, but they are being considered at this time.”

The substantial changes to be implemented by the newly elected government predict an important shift in New Zealand consideration of Māori rights, even though the country has always been recognised for its position as a champion of those rights.

Section 3. *Tikanga Māori: successfully exported, hardly imported?*

The following section will examine how the dynamics between internal and external policies, where foreign policy is a mirror of societal expectations (3.1), reveal that New Zealanders hold limited knowledge of the legal and historical background of their country, leading in disagreements on how Māori affairs should be managed (3.2). This observation could explain the long-lasting struggle to implement Māori-related policies, undermining New Zealand image as champion of indigenous rights (3.3)

3.1 The ‘spillage’ of internal affairs into foreign affairs

The significant changes made by Christopher Luxon's Coalition Government regarding Māori rights and its implications for foreign policymaking, question the interplay between domestic and foreign policies. Marcel Merle, a French scholar specialised in foreign policy, provides us with insights into the internal/external correlation.

Merle first defines ‘internal’ as “*a delimited, homogeneous, and structured space, which can be likened to a relatively integrated and self-contained system*” when ‘external’ refers to “*an open, heterogeneous, and unstructured space, in which a multitude of forces come into play that are difficult to identify and isolate*”. Both spaces can only communicate through an “airlock”, controlled by the government, whom can decide on the degree of interaction between them, and constitute the specific space of foreign policy.²⁰¹ Following this analysis, foreign policy’s function is to “*adapt the system to its environment or, if preferred, to transmit externally the demands that emanate from within the system, while channeling the constraints that weigh on the functioning of the system from the outside.*”. Usually, control over the ‘internal’ is more important, because it becomes easier to measure

²⁰¹ Merle, Marcel. ‘Politique intérieure et politique extérieure’. *Politique étrangère*, vol. 41, no. 5, 1976, pp. p. 411. www.persee.fr, <https://doi.org/10.3406/polit.1976.1704>.

the penetration of external influence in a confined space rather than doing the opposite. As a result, the ‘spillage’ of internal affairs into foreign policy is more important, less perceptible and yet, an increasing phenomenon.²⁰²

Internal operators are increasingly intervening to influence the course of foreign policy, either through direct claims, or by initially influencing domestic policy. Domestic policy can, as Merle suggests “*serve as the lever or instrument for foreign policy*”²⁰³. Therefore, choices in domestic policies are reflected in foreign affairs, with consequences varying in magnitude and impact depending on the initial direction of domestic decisions. The author also points out that “*if control is weak or non-existent, there is a risk of witnessing the proliferation of paralyzing interactions [where] choices in foreign policy become domestic policy issues, and vice versa. The priority of [...] the short term over the long term, almost inevitably imposes the dominance of domestic policy over foreign policy or the subjugation of the latter to the aims of the former.*”²⁰⁴. In the case of New Zealand, it appears that external policies, or foreign policies, serve more as a continuation of domestic policy rather than as a form of subjugation. The political environment, which has been repeatedly characterised as “anti-Māori”²⁰⁵, did not only affect domestic policy making but also foreign policy making. However, it can be argued that what has been a governmental push leading to the dismantlement of a number of instruments meant to protect Māori rights under the Treaty of Waitangi, are in fact the reflection of New Zealand society’s readiness in addressing these issues.

3.2 A decrease of Māori input in Foreign Affairs, multiplied by a lack of societal awareness, embedded in a broader shift to nationalism

On the world stage, a short glance at news articles and media content enables us to notice an obvious and widespread return of nationalism. More and more democracies have reached an inflection point, and the numerous elections coming up in 2024 only contribute to reinforce this idea. The line between democracy and nationalism is thinning, and when

²⁰² Merle, 1976, p.414.

²⁰³ *Ibid.*

²⁰⁴ Merle, 1976, p.419

²⁰⁵ Watson, Angus. ‘Within Weeks of Taking Office, New Zealand’s Leaders Are Tagged as “Anti-Maori”’. *CNN*, 17 Dec. 2023, accessed 10 May 2024. <https://www.cnn.com/2023/12/17/world/new-zealand-nationals-luxon-maori-intl-hnk/index.html>.

‘Thousands Rally against Government Indigenous Policies in New Zealand’. *AP News*, 5 Dec. 2023, accessed 10 May 2024. <https://apnews.com/article/new-zealand-parliament-maori-protest-f2911ce5167d8b0758b5c1a2fc1c6884>.

liberalism once represented a way to navigate a changing world with increasing identity crises, it is no longer. Globalisation, migration, and increased security threats undermine liberalism. Furthermore, the contest over popular sovereignty – a cornerstone of nationalism and populism – occurs when individuals unite as one people to make their voice heard, particularly in times when they feel disconnected from politicians. Again, the line between democracy, nationalism and populism is thinning. As Pr. Pratap Bhanu Mehta explains “Nationalism is the most potent form of identity politics. It views individuals and the rights they have through the prism of compulsory identity to which nationalism confines them”²⁰⁶. The idea of a compulsory identity is tightly linked to the idea of unity of the people – a nation cannot be a nation unless it is united. This narrative puts an emphasis on the universality of rights and duties among the populations, to reach this “equal citizenship” that is defended by the National Government and its coalition. However, by using the label of “one people” and implementing the subsequent equal treatment for all New Zealanders can greatly endanger social justice in Aotearoa. Dr. Clair Charters – member of the working group on He Puapua – pointed out the difference between equality and equity, the latter acknowledging that people start with different starting points, opportunities and advantages, and that equity would mean to provide the same opportunities to each individual to then be treated equally as a member of society. Inherently, Māori and Pakeha start with a different history, and therefore different opportunities, grievances, concerns and ultimately, rights. Charters advocates for “substantive equality”, which would ensure that disadvantaged people are not just treated the same but that the outcomes for them are equitable.²⁰⁷

According to a report prepared by Horizon for the Human Right Commission, New Zealanders believe that equity is an important matter when taking decisions. The report provided a plethora of useful data that will be presented thereafter.²⁰⁸ When questioned on the importance of co-decision making by both Māori and non-Māori regarding how to honour Te Tiriti o Waitangi, 70% found it important. Conversely, only 23% considered it important for Māori alone to decide on how the Treaty of Waitangi is honoured. Additionally, 26% of New Zealanders disagree with the notion that only Māori should manage issues

²⁰⁶ Mehta, Pratap Bhanu. ‘The Specter of Nationalism’. *Foreign Policy*, 3 Jan. 2024, <https://foreignpolicy.com/2024/01/03/nationalism-elections-2024-democracy-liberalism/>.

²⁰⁷ Malpass, Luke, and Lynch. ‘The He Puapua Plan Explained’. *Stuff*, 14 July 2021, <https://www.stuff.co.nz/national/explained/125740914/the-contentious-he-puapua-plan-explained>.

²⁰⁸ *Revealing Poll Shows People See Te Tiriti o Waitangi as Partnership, Prepared for Te Kāhui Tika Tangata / Human Rights Commission*. Horizon Research, Nov. 2023 <https://tikatangata.org.nz/news/revealing-poll-shows-people-see-te-tiriti-o-waitangi-as-partnership>.

affecting Māori, while 49% agree. Those more likely to agree are from younger age groups, reside in Auckland, and identify as Māori or Pasifika. There is thus a general consensus that all Kiwis should be consulted on decisions related to the treaty. However, there is resistance to sole Māori decision-making on these matters, although a slight majority agrees that they should be consulted on issues that affect them.

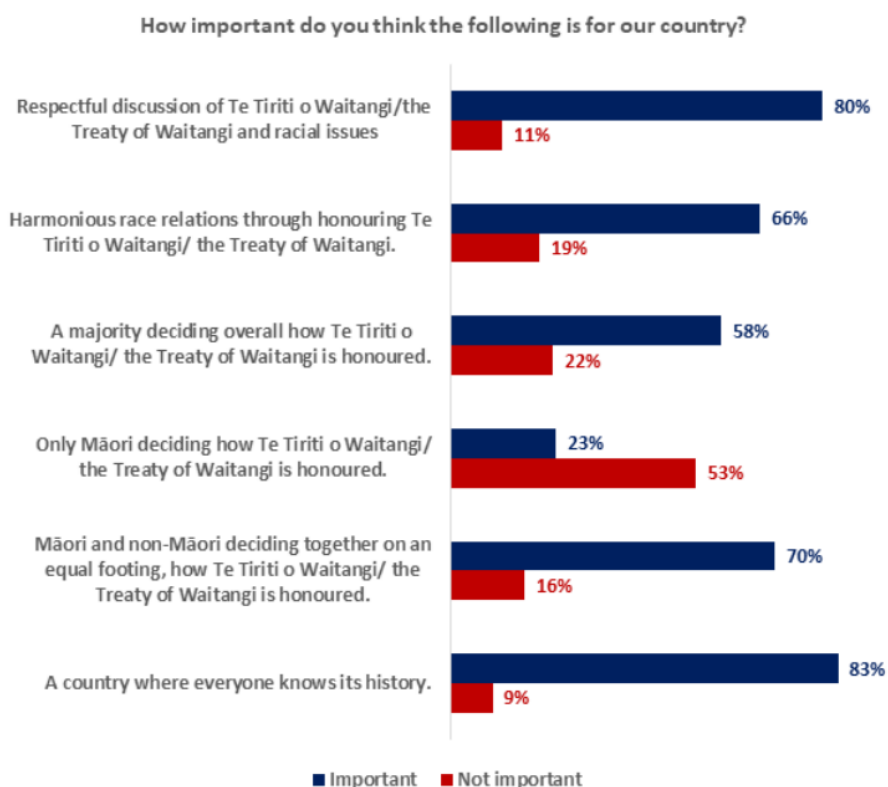


Table 6: Answers to the question "How important do you think the following is for our country?" from Horizon Research poll, Nov 2023

Besides, when questioned about whether the Treaty applies to everyone in Aotearoa New Zealand, 58% agreed while 18% disagreed. Regarding the belief that 'for the most part' the Treaty has been upheld since its signing in 1840, 29% of respondents agreed, with a higher portion of the population (35%) disagreeing with the statement. Concerning the content of te Tiriti, 28% of respondents answered that in signing Te Tiriti, Māori lost their right to sovereignty, while 35% thought the opposite. The detailed result for this particular question shows that it is a deeply divisive topic: Māori, government officials, public servants, young people (aged 25-34), and students are more likely to agree that Māori retained their right to sovereignty after 1840, however only about half of each category agree.

The lack of a clear stance on those matters is particularly concerning and is evident through the number of people who are – or think they are – educated on the topic. When 83% of New Zealanders believe that a country where everyone knows their history is important, only 58% considered themselves somewhat informed, well-informed, or very well-informed on Te Tiriti and on the ongoing discussions about how it should be honoured now. 32% considered themselves uninformed, and for valid reasons. 32% of New Zealanders have never read any version of the Treaty; The three-article treaty was snubbed by at least a third of the population. Among those who have read it, 36% have read the English version, 13% read the te reo Māori version. More importantly, 23% say they have read the English translation of the te reo version, and 5% a te reo translation of the English version. This demonstrates that only a minority might have read all the content necessary to make an informed choice on the questions debated before – such as the application of Te Tiriti, implementation, and decision-making.

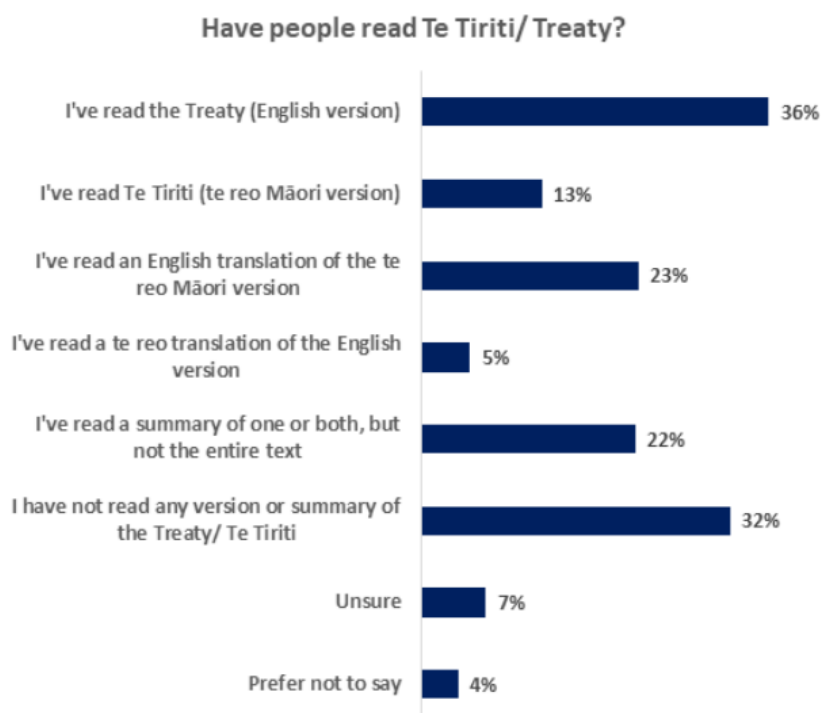


Table 7: Answers to the question "Have people read Te Tiriti" from Horizon Research poll, Nov 2023.

The lack of awareness and reception from New Zealanders is not only perceived through quantitative studies: Te Ururoa Flavell confirmed these conclusions during our discussion:

“Te Ururoa Flavell: I mean, sometimes it's not palatable to other colleagues and other people about how we work. And so it's almost dismissed.

E: When you say people don't realise the value that you put into it, when you refer to people, do you refer to people in New Zealand or people abroad?

Te Ururoa Flavell: People at home. They don't understand that value that we bring. [...] What we have a problem with is internally in New Zealand, a lack of understanding, a lack of acknowledgement of the X factor that's sitting right in front of our eyes and nobody gets it.”

Essentially, it is assumed here that the lack of knowledge among New Zealanders about their country's history and the rights of its indigenous people could support the National government in implementing anti-Māori policies, which have resonated internationally, eliciting indignation from some countries in response to this change (3.3).

3.3 A resonant impact on New Zealand's image and diplomatic capabilities

New Zealand, despite its smaller size and isolated position in the Pacific, is increasingly involved in world affairs and regional integration processes. Additionally, New Zealand has repeatedly demonstrated its engagement in multilateralism through regular, strong participation in United Nations activities, APEC operations, and the Pacific Islands Forum. It bears an important democratic tradition with an open political system, its smaller population allowing for more engagement and closer links between politicians and citizens. There is considerable room for public involvement in political affairs, which can often encourage positive political changes – or foster indifference, shown by the lack of public interest in Māori issues. New Zealand is therefore no longer isolated but a dynamic trade, diplomatic, and defence partner valued by many countries and highly regarded as an example for its relationship with Māori and its bi-cultural society. However, as Bargh reminds us, *“In short, foreign affairs are important to New Zealand; and, as elsewhere, the line between domestic and foreign affairs is becoming increasingly blurred.”* Nevertheless, the

consequences of such a tight dynamic, as studied in the preceding section, can be perilous for New Zealand's prosperity in the international arena.²⁰⁹

On the international stage where nationalism appears to be gaining traction, New Zealand has upheld its reputation as a nation committed to championing indigenous rights. It has consistently made strides forward, resisting the tide of populism and nationalism. However, recent policies may challenge this standing as a global leader on indigenous issues, potentially straining diplomatic relations with countries where indigenous concerns are increasingly prominent on their agenda.

Aotearoa New Zealand is, *indeed*, a relatively small country. However, it is well-known across the world for a plethora of cultural and political reasons. A glance at travel blogs and websites teaches us about New Zealand's 'highlights', among which are its extraordinary landscapes, 'The Lord of the Rings' references, the iconic kiwi bird, its rich rugby culture, and the traditional *haka*. Moreover, New Zealand is often noted as the 'little sister' of Australia. On a political level, New Zealand is especially renowned for being the first country to grant universal suffrage and for having a young woman as its Prime Minister.

Overall, according to the Lowy Institute's 2023 Feeling Thermometer and its associated poll²¹⁰, New Zealand has emerged as the country held in the highest regard by other nations, with a score of 85/100, indicating warmer (or favourable) feelings. This trend has persisted since 2007, with the country never dropping below 77 points.

While the topic of indigeneity or the presence of indigenous people may not typically be the primary focus when discussing New Zealand's characteristics, a study conducted by the governmental agency New Zealand Story Group²¹¹ reveals that Aotearoa's embrace of Māori culture has garnered regard from some partners. For instance, despite having limited insight of New Zealand's affairs, the United Arab Emirates maintain a favourable perspective on Māori-Pākehā relations and the handling of bi-cultural relationships. Similarly, Germany values New Zealand's authenticity and respect towards Māori culture, which they observe through small actions like the All Blacks *haka*, contributing to enhancing the image that foreign countries have of New Zealand.

²⁰⁹ Bargh, 2012, p.21

²¹⁰ Lowy Institute. "Feelings towards Other Nations - Lowy Institute Poll." Lowyinstitute.org, 2024, poll.lowyinstitute.org/charts/feelings-towards-other-nations/.

²¹¹New Zealand Story Group, "Global Pulse Check 2022" Govt.nz, August 2022.

As a result, a pivotal question that emerged in analysing the success and sustainability of the Māori Foreign Policy was the potential risk posed by its disestablishment to Aotearoa's image and diplomatic capacities. Following our second interview, I asked Interviewee A for their perspective on this matter. They advanced that New Zealand has been seen as a leader on indigenous issues, especially on indigenous trade, which required considerable work from different governmental bodies. While acknowledging the successes of UKFTA, EUFTA, IPETCA or the work undergone with APEC, OECD and WTO, they acknowledge that these represented the first steps to more integration of indigenous matters into the trade realm. These initiatives and mechanisms allowed for positive outcomes in New Zealand and with its partners and interlocutors. Therefore, a policy, political or strategic shift wouldn't necessarily negatively impact its relationships. However, their response let us wonder whether New Zealand will be able to take on the same leadership role that it had in the past in terms of Indigenous matters and politics of indigeneity after this turn to a conservative agenda.

GENERAL CONCLUSION

This thesis sought to investigate the origins, scope and effectiveness of the Māori Foreign Policy implemented by Hon. Nanaia Mahuta, while assessing its ability to respond to and align with Aotearoa New Zealand's bicultural society – shaped by its colonial past – in a long-term perspective. The examination of New Zealand's foundational document, the Treaty of Waitangi | Te Tiriti o Waitangi, and its varied interpretations, allowed for a deeper understanding of the historical and legal background behind the establishment of politics of indigeneity, recognising Māori *rangatiratanga* – chieftainship. These conclusions, however, partially contradict Hypothesis 1 (New Zealand possesses a stable legal framework to safeguard Māori wellbeing and resources) as they demonstrate the considerable limitations of Te Tiriti due to its diverging interpretations. On the other hand, Hypothesis 2 (Māori have specific needs, which shall be met, much like other segments of the population) was partially validated. While Māori may have distinct needs and concerns compared to the rest of the population, they are first and foremost entitled to rights that are specific to their status as *tangata whenua*. The study of the UNDRIP served as an exploration into different mechanisms promoting the participation of indigenous people in policymaking, yet it highlighted New Zealand's initial reluctance to implement its recommendations.

However, as depicted in Chapter 2, the Ministry of Foreign Affairs and Trade has introduced various mechanisms since 2001 to uphold the principles of participation, protection, and partnership rooted in Te Tiriti, notably in international trade engagement. These mechanisms were further advanced by Nanaia Mahuta, who, in an effort to preserve Māori cultural integrity and expand New Zealand's diplomatic toolkit, introduced the Māori Foreign Policy strategy. By utilising Māori protocols – *tikanga Māori*, and Māori world view – *Te Ao Māori*, to guide relationships with other nations, this approach rooted in relationality facilitated the creation and development of strong diplomatic ties: with the Pacific region, holding shared cultural roots and understanding of *tikanga*, but also with other nations, particularly those with similar experiences of indigeneity. However, these mechanisms have several limitations. Firstly, they contradict Hypothesis 3 (Māori Foreign Policy implies direct representation of Māori on the international scene), as the mechanisms do not necessarily mandate direct participation by Māori but. Additionally, another limitation lies in the significant discretion granted to the government by these mechanisms, allowing them to decide whether and to what extent they engage with Māori.

The last chapter delves further into the premise of Māori Foreign Policy being subject to political contingencies, particularly under the newly elected National Government and its centre-right coalition. The analysis highlights the role of Māori Foreign Policy in fostering an "exceptionalist" quality in New Zealand, allowing for the creation of partnerships with markets that are difficult to access, such as China, which recognises New Zealand as a Pacific country that can be trusted. However, the takeover of MFAT by Winston Peters, leader of the New Zealand First Party, foreshadows significant changes. Firstly, it seems to compromise the recent improvements regarding the consideration of Māori rights in New Zealand's political landscape by revising the principles and effect of the Treaty of Waitangi to instead promote "equal citizenship". Secondly, it impedes the realisation of Māori Foreign Policy by changing its stance on the UNDRIP, turning its back on culturally sensitive partners, and neglecting Māori in decision-making. The chapter's final section questions the influence of societal unawareness and disinterest regarding Te Tiriti on the flexibility given to the government to legislate with consideration of Māori rights and culture. Due to the continuum between internal and external policies, the changing views of New Zealanders and subsequent policy shifts could potentially infringe on the government's commitments to engage with Māori on foreign affairs, and significantly affect New Zealand's diplomatic capabilities – validating Hypothesis 4.

Whether Nanaia Mahuta's Māori Foreign Policy was guided by a strategic positioning of New Zealand as a leader on indigenous rights at all levels of society, or by a desire to promote a renewed relationship between the Crown and Māori based on partnership, her attempt was not left unnoticed. Especially, this policy contributed to the reinforcement of certain standards regarding the principles of Protection, Participation and Partnership, that the current government seems to be calling into question. Māori foreign policy is a unique instrument for nurturing diplomatic relationships. However, its sustainability is uncertain. It is not only compromised by the government's shifting stance on Māori issues but most importantly, by the fundamental challenges in how Te Tiriti o Waitangi is interpreted and received by New Zealand society. The conclusions of this thesis left me with a lingering question: are there potential ways to make these mechanisms more sustainable and binding? Witnessing the well-established principles and mechanisms being up for challenge is causing a lot of anxiety among Kiwis, and among government officials across all Ministries.

The Waitangi Tribunal has already attempted, in its 2011 report addressing the WAI 262 claim, to look at this issue. Initially looking at recent development and threats to *te reo* Māori reported by different iwi, the report on WAI 262 talked to a broader issue, that is the nature and the future of the relationship between the Crown and Māori. The Tribunal calls for a requalification of this relationship, from one based on Māori grievances and following a perpetrator-victim dynamic, to an optimistic and partnership-based relationship. To achieve this objective, the report asks, “*whether the kind of provision for kaitiakitanga and mātauranga Māori to be found in the settlements process can be normalised before that process is over.*”²¹² This is especially relevant in the current political setting, where previously binding or relevant mechanisms to uphold Māori rights are being challenged: “*But how will the nation cope when ‘the convenient levers for establishing these new relationships will be gone’? The ideal solution is to begin that process of normalisation now. [...] It is time to move forward. As a nation we should shift our view of the Treaty from that of a breached contract, which can be repaired in the moment, to that of an exchange of solemn promises made about our ongoing relationships.*”²¹³ This moment calls for extensive research into the institutional and social factors that influence Māori-Crown relations. Academics, policymakers, and Māori scholars must collaborate to find pathways that strengthen these mechanisms and secure a lasting partnership that withstands political shifts.

²¹² Waitangi Tribunal, Ko Aotearoa Taneī. *A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*. Te Taumata Tuarua (Wai 262 Report), Wellington, New Zealand, 2011), p. 715. <http://www.waitangitribunal.govt.nz/>

²¹³ *Ibid.*

TABLE OF CONTENT

ABSTRACT	3
ACKNOWLEDGMENTS.....	4
GLOSSARY	5
SUMMARY	8
INTRODUCTION	9
History of New Zealand	10
Engagement with the topic	13
Literature Review	14
Study question and hypotheses.....	25
Methodology.....	26
Outline	28
CHAPTER 1: The Treaty of Waitangi: Shaping New Zealand’s Diplomatic Identity and Indigenous Politics	30
Section 1. From Aotearoa to New Zealand, from Māori establishment to the framing of Māori-Crown relationship	30
1.1 The clashing translations of Te Tiriti: content and meanings	31
1.2 Interpretation and reception of Te Tiriti.....	33
1.2.1 Two opposite cultural approaches on the meaning of Te Tiriti.....	33
1.2.2 A text for the performances of the nation: Efficiency of Te Tiriti.	34
1.3 Legal use of the Treaty of Waitangi.....	35
1.3.1 The Tribunal of Waitangi: Guaranteeing the respect of the Crown’s commitment under Te Tiriti	36
1.3.2 Statutory role of Te Tiriti	37
Section 2. Moving from a legal to a political framework: thinking the ‘Politics of Indigeneity’	39
2.1 Leveraging indigeneity to create a political community	39
2.2 Indigenous political agency	41
2.2.1 Progressively introducing a new approach to engage with Māori.....	41
2.2.2 Reaching bi-culturalism at state-level	42
2.3 Beyond a political recognition, exercising Politics of Indigeneity.....	43
2.3.1 Tino rangatiratanga: basic principle to guide politics of indigeneity in Aotearoa.....	43

2.3.2 Practicing the politics of indigeneity, in domestic and foreign policymaking.....	45
Section 3. Engaging with the international community in indigeneity: the case of UN Treaties	46
3.1 First steps into an international recognition of the rights of indigenous people	46
3.1.1 Seeking recognition through isolated attempts.....	46
3.1.2 Formally addressing indigenous concerns: the 1987 Study of the problem of discrimination against indigenous peoples.....	47
3.2 Establishment of formal international instrument: paving the way to the UN Declaration of the Rights of Indigenous Peoples	49
3.2.1 The Working Group of Indigenous Populations (WGIP), Permanent Forum and Expert mechanism.....	49
3.2.2 Making their way to the UNDRIP.....	50
3.3 Which implementation for New Zealand? From a strict opposition to a slow consideration.....	51
3.3.1 Newly enshrined principles	52
3.3.2 Implementation and drawback	54
CHAPTER 2: Bridging Cultures: Māori Engagement in New Zealand's Foreign Affairs - How does a “Māori Foreign Policy” materialise?	57
Section 1. Trade serves as a driving force to advance the principle of protection, participation, and partnership between Māori and the Crown.	58
1.1 Setting the framework for the realisation of the principles of participation, protection and partnership: the 2001 Cabinet Guidelines	58
1.1.1 Scope, application and impact.....	59
1.1.2 A framework limited by its flexibility.....	60
1.2 Chasing complementary mechanisms	61
1.2.1. Reaching participation through internal processes.....	61
1.2.2 Establishing external instruments to involve the international community in upholding indigenous participation in trade: the IPETCA	62
1.3 Enshrining not to forget: Te Tiriti exception clause and indigenous considerations in Trade Agreements.....	64
1.3.1 Improving partnership: the EUFTA and UKFTA cases	64
1.3.2 CPTPP: a criticised attempt to enforce protection.....	66
Section 2. Transitioning from Engagement to Embrace: Integrating Te Ao Māori into Aotearoa's Diplomatic Strategies	68

2.1 Lessons from the Treaty of Waitangi Guidance Document.....	69
2.2 Embracing the Māori World View – Te Ao Māori	70
2.3 Understanding Tikanga Māori	71
Section 3. Materialisation of a Māori Foreign Policy: utilising <i>tikanga</i> across the borders	73
3.1 “We are relatives, and we are trusted relatives”: nurturing principles of relationality and connection through Pacific Relations.....	74
3.1.1 Shifting from realism to relationality	74
3.1.2 Turou Hawaiki - Navigating Together: relations with the Pacific.....	75
3.2 Nurturing relationships before partnerships: fostering an international conversation on indigeneity.....	77
3.2.1 Finding indigenous matters as an area of commonality	78
3.2.2 Using indigeneity to build relations.	79
CHAPTER 3: “Indigenous Diplomacy doesn’t exist”	82
Section 1. Māori Foreign Policy: exportable or exceptional?	83
1. 1 New Zealand and China relationship: the taniwha and the dragon	83
1.2 Leveraging indigeneity for New Zealand’s exceptionalism.....	85
1.3 Championing indigenous rights requires the intention to maintain it.	87
1.3.1 Avoiding tokenism takes proactivity and tangible actions	88
1.3.2 Is there a future for a beheaded policy?.....	90
Section 2. Rise and Fall of the Māori Foreign Policy: which consideration of indigeneity by the National Coalition Government?	92
3.1 The promotion of an “equal citizenship” at the expense of Māori communities	92
3.2 Shifting Foreign Policy priorities	96
2.2.1 Reversing the trend on UNDRIP by abolishing He Puapua.....	96
2.2.2 Switching traditions: turning its back to Māori culture, favour “traditional partners”.....	98
2.2.3 A shift bolstered by the lack of binding instruments	100
Section 3. <i>Tikanga Māori</i>: successfully exported, hardly imported?.....	101
3.1 The ‘spillage’ of internal affairs into foreign affairs.....	101
3.2 A decrease of Māori input in Foreign Affairs, multiplied by a lack of societal awareness, embedded in a broader shift to nationalism	102
3.3 A resonant impact on New Zealand's image and diplomatic capabilities .	106
GENERAL CONCLUSION	109

TABLE OF CONTENT	112
BIBLIOGRAPHY	115
APPENDIX A: Table of interviews	132
APPENDIX B: Interview with Te Ururoa Flavell (Ngāti Rangiwewehi, Ngāpuhi, Ngāti Raukawa)	133
APPENDIX C: Interview with Nanaia Mahuta (Waikato-Tainui, Ngāti Maniapoto and Ngāti Manu)	142
APPENDIX D: New Zealand Map	150
APPENDIX E: Waitangi Sheet of Te Tiriti o Waitangi	151
APPENDIX F: GDP Growth in the Pacific	152

BIBLIOGRAPHY

Books and Book Chapters

- Ballara, Angela. “‘Rātana, Tahupōtiki Wiremu - Ratana, Tahupotiki Wiremu’”. *Dictionary of New Zealand Biography*, Firstly published in 1996-Accessed through Te Ara-the Encyclopedia of New Zealand, Ministry for Culture and Heritage Te Manatu Taonga, <https://teara.govt.nz/en/biographies/3r4/ratana-tahupotiki-wiremu>. Accessed 17 May 2024.
- Belgrave, Michael, et al. ‘Waitangi Revisited : Perspectives on the Treaty of Waitangi / [Edited by] Michael Belgrave, Merata Kawharu and David Williams.’ *National Library of New Zealand*, South Melbourne, Vic. : Oxford University Press, 2005., 1 Jan. 2005, <https://natlib.govt.nz/records/21596626>.
- Black, Jeremy. *A History of Diplomacy*. Reaktion Books, 2010.
- Brooking, Tom. *The History of New Zealand*. British Library of Congress, 2004.
- Capie, David, and Paul Evans. *The Asia-Pacific Security Lexicon*. Institute of Southeast Asian Studies, 2002.
- Chrisman, Patrick Williams, Laura. *Colonial Discourse and Post-Colonial Theory: A Reader*. Routledge, 2015, <https://doi.org/10.4324/9781315656496>
- Davies, John L., and () (Edy) Kaufman. *Second Track Citizens’ Diplomacy: Concepts and Techniques for Conflict Transformation*. Rowman & Littlefield Publishers, 2003.
- Diamond, Louise, and John W. McDonald. *Multi-Track Diplomacy: A Systems Approach to Peace*. Kumarian Press, 1996.
- Durie, Mason. *Te Mana, Te Kāwananatanga: The Politics of Māori Self Determination*. Auckland University Press, 2004.
- Eagleton, Mary, editor. *Feminist Literary Criticism*. Routledge, 2013, <https://doi.org/10.4324/9781315846163>.
- Foucault, Michel. *Language, Counter-Memory, Practice: Selected Essays and Interviews*. Cornell University Press, 1977.
- Headley, James, et al., editors. *Public Participation in Foreign Policy*. Palgrave Macmillan UK, 2012, <https://doi.org/10.1057/9780230367180>.

- Hodgson, Dorothy L. *Being Maasai, Becoming Indigenous: Postcolonial Politics in a Neoliberal World*. Indiana University Press, 2011,
<https://www.jstor.org/stable/j.ctt16gzj35>.
- Kawharu, Amokura. ‘The Treaty of Waitangi Exception in New Zealand’s Free Trade Agreements’. *Indigenous Peoples and International Trade: Building Equitable and Inclusive International Trade and Investment Agreements*, edited by John Borrows and Risa Schwartz, Cambridge University Press, 2020, pp. 274–94. *Cambridge University Press*, <https://doi.org/10.1017/9781108675321.013>.
- László Szöllösi, Cira. *New Zealand’s Global Responsibility. A Small State’s Leading Role in Establishing Progressive Ideas*. Palgrave Macmillan Singapore, 2022,
<https://link.springer.com/book/10.1007/978-981-16-7349-8>.
- Mc Lennan, Sharon, et al. *Tū Rangaranga Rights, Responsibilities and Global Citizenship in Aotearoa New Zealand*. Massey University Press, 2022.
- McKinnon, Malcolm. *Independence and Foreign Policy: New Zealand in the World Since 1935*. Auckland University Press, 1993,
<https://aucklanduniversitypress.co.nz/independence-and-foreign-policy-new-zealand-in-the-world-since-1935/>.
- Mein Smith, Philippa. *A Concise History of New Zealand*. Cambridge University Press, 2005
- Nicolson, Harold. *The Evolution of Diplomacy*. Collier Books, 1962.
- Pocock, ‘Waitangi as Mystery of State: Consequences of the Ascription of Federative Capacity to the Maori’, in D Iverson et alia (eds), *Political Theory and the Rights of Indigenous Peoples*, 2000, pp25-26
- Spivak, Gayatri Chakravorty. “Can the Subaltern Speak?” *Colonial Discourse and Post-Colonial Theory*, by Patrick Williams and Laura Chrisman, Routledge, 1994, p. p.66-111.
- Stavenhagen, Rodolfo. “The Ethnic Question in the World Crisis.” *Ethnic Conflicts and the Nation-State*, edited by Rodolfo Stavenhagen, Palgrave Macmillan UK, 1996, pp. 1–13, https://doi.org/10.1007/978-1-349-25014-1_1.

Swoboda, H., and J. M. Wiersma. *Politics of the Past: The Use and Abuse of History*. Socialist Group in the European Parliament, 2009, <https://books.google.fr/books?id=YNZOQwAACAAJ>.

Youngblood Henderson, James (Sa'ke'j). *Indigenous Diplomacy and the Rights of Peoples: Achieving UN Recognition*. University of British Columbia Press, 2008. *University of Chicago Press*, <https://press.uchicago.edu/ucp/books/book/distributed/I/bo69942708.html>.

Scholar articles:

Bargh, Maria. "Rights and Sovereignty of Indigenous Peoples: Implications for Foreign Policy." *Public Participation in Foreign Policy*, 2012, pp. 173–88, https://doi.org/10.1057/9780230367180_8.

Bluedorn, Allen, and Rosabeth Moss Kanter, "Relational Indigenous Systems: Aboriginal Australian Political Ordering and Reconfiguring IR." *Review of International Studies*, vol. 48, Aug. 2021, pp. 1–19, <https://doi.org/10.1017/S0260210521000425>.

Bluedorn, Allen, and Rosabeth Moss Kanter. "Men and Women of the Corporation." *The British Journal of Sociology*, vol. 31, no. 1, 1980, p. 135, <https://doi.org/10.2307/590086>.

Brigg, Morgan, et al. "Relational Indigenous Systems: Aboriginal Australian Political Ordering and Reconfiguring IR." *Review of International Studies*, vol. 48, no. 5, Dec. 2022, pp. 891–909, <https://doi.org/10.1017/S0260210521000425>.

Byrd, Jodi A., and Katharina C. Heyer. "Introduction: International Discourses of Indigenous Rights and Responsibilities." *Alternatives: Global, Local, Political*, vol. 33, no. 1, 2008, pp. 1–5, <https://www.jstor.org/stable/40645233>.

Byrd, Jodi A., and Michael Rothberg. "Between Subalternity and Indigeneity." *Interventions*, vol. 13, no. 1, Mar. 2011, pp. 1–12, <https://doi.org/10.1080/1369801X.2011.545574>.

Carpenter, Kristen, and Alexey Tsykarev, "Indigenous Peoples and Diplomacy on the World Stage Symposium on the Impact of Indigenous Peoples on International Law:

- Essay.” *AJIL Unbound*, vol. 115, 2021, pp. 118–22,
<https://heinonline.org/HOL/P?h=hein.journals/ajilunbo115&i=118>.
- Carpenter, Kristen, and Alexey Tsykarev. ‘Indigenous Peoples and Diplomacy on the World Stage’. *AJIL Unbound*, Jan. 2021, <https://doi.org/10.1017/aju.2021.7>.
- Carpenter, Kristen, and Alexey Tsykarev. *Indigenous Peoples and Diplomacy on the World Stage*. Jan. 2021, pp. 118–22, <https://doi.org/10.1017/aju.2021.7>.
- Ceaser, James W. ‘The Origins and Character of American Exceptionalism’. *American Political Thought*, vol. 1, no. 1, May 2012, pp. 3–28. *journals.uchicago.edu (Atypon)*, <https://doi.org/10.1086/664595>.
- Cochran, Nicole, and Brian Harding. “What Is Indigenous Foreign Policy? Lessons from Australia and New Zealand.” *United States Institute of Peace*, 26 May 2022, <https://www.usip.org/publications/2022/05/what-indigenous-foreign-policy-lessons-australia-and-new-zealand>.
- Cooper, Elizabeth, et al. ‘Beyond Tokenism: Relational Learning and Reconciliation Within Post-Secondary Classrooms and Institutions’. *Canadian Journal of Native Education*, vol. 40, no. 1, 1, 2018. *ojs.library.ubc.ca*, <https://doi.org/10.14288/cjne.v40i1.196602>.
- Dr Patman, Robert G. ‘The 2023 Election in New Zealand and Its Foreign Policy Implications’. *Australian Institute of International Affairs*, 11 Oct. 2023, <https://www.internationalaffairs.org.au/australianoutlook/the-2023-election-in-new-zealand-and-its-foreign-policy-implications/>.
- Figueira, Carla. “Indigenous Peoples as Non-State Diplomatic Actors in the Public/Cultural Diplomacy of Taiwan: A Case Study of Dispossessions: Performative Encounter(s) of Taiwanese Indigenous Contemporary Art.” *International Journal of Taiwan Studies*, vol. 3, no. 1, Jan. 2020, pp. 62–92, <https://doi.org/10.1163/24688800-00301006>.
- Frankel, J. “Book Review: Hedley Bull, *The Anarchical Society : A Study of Order in World Politics*.” *Millennium*, vol. 6, no. 3, Dec. 1977, pp. 295–99, <https://doi.org/10.1177/03058298770060030701>.

- Gricius, Gabriella. “Indigenous Representation in National Security.” *Center for Strategic and International Studies*, Feb. 2021, <https://defense360.csis.org/indigenous-representation-in-national-security/>.
- Hall, Nina, and Rhieve Grey. ‘New Zealand Abandons Indigenous Rights and Pacific Priorities in Foreign Policy’. *The Diplomat*, 21 Dec. 2023, <https://thediplomat.com/2023/12/new-zealand-abandons-indigenous-rights-and-pacific-priorities-in-foreign-policy/>
- Hanson, Erin. ‘UN Declaration on the Rights of Indigenous Peoples’. *Indigenous Foundations*, 2011, https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/.
- Heurtebize, Frédéric. “Donald Trump et l’exceptionnalisme : la fin du siècle américain ?” *Annuaire français de relations internationales*, Éditions Panthéon-Assas, 2021, pp. 343–54, <https://doi.org/10.3917/epas.ferna.2021.01.0343>.
- Holster, Bonnie, and Matthew Castle. ‘Between Innovation and Precedent the Treaty of Waitangi Exception Clause in Aotearoa New Zealand’s Free Trade Agreements’. *Policy Quarterly*, vol. 18, no. 4, 4, Nov. 2022, pp. 26–32. [ojs.victoria.ac.nz, https://doi.org/10.26686/pq.v18i4.8014](https://doi.org/10.26686/pq.v18i4.8014).
- Holster, Bonnie, and Nicholas Ross Smith. *New Zealand’s New Approach to China and the Pacific*. Chatham House - International Affairs Think Tank, 7 Sept. 2023, <https://www.chathamhouse.org/2023/09/new-zealands-new-approach-china-and-pacific>.
- Hoskins, Te Kawehau, and Alison Jones. “Māori, Pākehā, Critical Theory and Relationality: A Talk by Te Kawehau Hoskins and Alison Jones.” *New Zealand Journal of Educational Studies*, vol. 55, no. 2, Nov. 2020, pp. 423–29, <https://doi.org/10.1007/s40841-020-00174-0>.
- Ioris, Antonio A. R. “Indigeneity and Indigenous Politics: Ground-Breaking Resources.” *Revista de Estudios Sociales*, no. 85, July 2023, pp. 3–21, <https://journals.openedition.org/revestudsoc/54695>.
- Joseph, Philip A. “The Treaty of Waitangi: A Text for the Performance of Nation.” *Oxford University Commonwealth Law Journal*, vol. 4, no. 1, 2004, pp. 1–23, <https://doi.org/10.1080/14729342.2004.11421434>.

- Keen, Meg, and Alan Tidwell. *Geopolitics in the Pacific Islands: Playing for Advantage* / Lowy Institute. Lowy Institute, 31 Jan. 2024, <https://www.lowyinstitute.org/publications/geopolitics-pacific-islands-playing-advantage>.
- Kuppe, René. “The Three Dimensions of the Rights of Indigenous Peoples.” *International Community Law Review*, vol. 11, no. 1, Jan. 2009, pp. 103–18, <https://doi.org/10.1163/187197309X401424>.
- Linden, W. *Swiss Democracy*. St Martin’s Press, 1994.
- Lowy Institute. “Feelings towards Other Nations - Lowy Institute Poll.” Lowyinstitute.org, 2024, poll.lowyinstitute.org/charts/feelings-towards-other-nations/. Accessed 17 Sept. 2024.
- Maaka, Roger, and Augie Fleras. ‘Engaging with Inidgeneity: Tino Rangatiratanga in Aotearoa’. *Political Theory and the Rights of Indigenous Peoples*, edited by Duncan Ivison et al., Cambridge University Press, 2000, pp. 89–109.
- Magallanes, Catherine J. Iorns. “Improving the Global Environmental Rule of Law by Upholding Indigenous Rights: Examples from Aotearoa New Zealand.” *Global Journal of Comparative Law*, vol. 7, no. 1, 2018, pp. 61–90, <https://heinonline.org/HOL/P?h=hein.journals/glojoucl7&i=69>.
- Mantilla, Yuri. “Indigenous Peoples’ Diplomacy, Mediation, and Conciliation as a Response to the I.C.J. Decision in the Obligation to Negotiate Access to the Pacific Ocean Case.” *California Western International Law Journal*, vol. 51, no. 1, 2021 2020, pp. 29–76, <https://heinonline.org/HOL/P?h=hein.journals/calwi51&i=31>.
- Medcalf, Rory. “Toward Principled Pragmatism in Indigenous Diplomacy in the Indo-Pacific.” *Australian Journal of International Affairs*, vol. 0, no. 0, 2023, pp. 1–5, <https://doi.org/10.1080/10357718.2023.2268035>.
- Mehta, Pratap Bhanu. ‘The Specter of Nationalism’. *Foreign Policy*, 3 Jan. 2024, <https://foreignpolicy.com/2024/01/03/nationalism-elections-2024-democracy-liberalism/>.
- Merle, Marcel. ‘Politique intérieure et politique extérieure’. *Politique étrangère*, vol. 41, no. 5, 1976, pp. 409–21. www.persee.fr, <https://doi.org/10.3406/polit.1976.1704>.

- Middleby, Solstice, et al. "Perspectives from Melanesia: Aboriginal Relationalism and Australian Foreign Policy." *Australian Journal of International Affairs*, vol. 0, no. 0, 2023, pp. 1–7, <https://doi.org/10.1080/10357718.2023.2268013>.
- Moewaka Barnes, Helen, and Tim McCreanor. "Colonisation, Hauora and Whenua in Aotearoa." *Journal of the Royal Society of New Zealand*, vol. 49, no. sup1, Nov. 2019, pp. 19–33, <https://doi.org/10.1080/03036758.2019.1668439>.
- Moore, Will H. "Ethnic Minorities and Foreign Policy." *SAIS Review*, vol. 22, no. 2, 2002, pp. 77–91, <https://muse.jhu.edu/pub/1/article/30608>.
- Nakata, Martin. "The Cultural Interface." *The Australian Journal of Indigenous Education*, vol. 36, no. S1, Jan. 2007, pp. 7–14, <https://doi.org/10.1017/S1326011100004646>.
- Olsen, Torjer A. "This Word Is (Not?) Very Exciting: Considering Intersectionality in Indigenous Studies." *NORA - Nordic Journal of Feminist and Gender Research*, vol. 26, no. 3, July 2018, pp. 182–96, <https://doi.org/10.1080/08038740.2018.1493534>.
- Olssen, Mark. "Foucault and Marxism: Rewriting the Theory of Historical Materialism." *Policy Futures in Education*, vol. 2, Sept. 2004, <https://doi.org/10.2304/pfie.2004.2.3.3>.
- Parisi, Laura, and Jeff Cornassel. "In Pursuit of Self-determination: Indigenous Women's Challenges to Traditional Diplomatic Spaces." *Canadian Foreign Policy Journal*, Jan. 2007, <https://www.tandfonline.com/doi/abs/10.1080/11926422.2007.9673444>. world.
- Pelican, Michaela. "Complexities of Indigeneity and Autochthony: An African Example." *American Ethnologist*, vol. 36, no. 1, 2009, pp. 52–65, <https://www.jstor.org/stable/27667528>.
- Peters, Michael A., and Carl T. Mika. "Aborigine, Indian, Indigenous or First Nations?" *Educational Philosophy and Theory*, vol. 49, no. 13, Nov. 2017, pp. 1229–34, <https://doi.org/10.1080/00131857.2017.1279879>.
- Smith, Nicholas Ross, and Bonnie Holster. "New Zealand's 'Maori Foreign Policy' and China: A Case of Instrumental Relationality?" *International Affairs*, vol. 99, no. 4, July 2023, pp. 1575–93, <https://doi.org/10.1093/ia/iiaad123>.
- Smith, Nicholas Ross, and Bonnie Holster. *New Zealand: Can an Indigenous Foreign Policy Deliver?* Brussels School of Governance - Centre for Security, Diplomacy and

Strategy, 13 Dec. 2022, p. 5, <https://www.brussels-school.be/research/publications/new-zealand-can-indigenous-foreign-policy-deliver>.

Solomon, Naomi. ‘Was the New Zealand Government Justified in Voting against the Declaration on the Rights of Indigenous Peoples? | NZETC’. *Te Kawa a Māui, Victoria University of Wellington*, vol. 0, no. 1, 2009, <https://nzetc.victoria.ac.nz/tm/scholarly/tei-Bid001Kahu-t1-g1-t4.html>.

Staats, Jennifer, et al. “A Primer on Multi-Track Diplomacy: How Does It Work?” *United States Institute of Peace*, <https://www.usip.org/publications/2019/07/primer-multi-track-diplomacy-how-does-it-work>. Accessed 7 Dec. 2023.

Stokes, Evelyn. ‘The Treaty of Waitangi and the Waitangi Tribunal: Maori Claims in New Zealand’. *Applied Geography*, vol. 12, no. 2, Apr. 1992, pp. 176–91. *ScienceDirect*, [https://doi.org/10.1016/0143-6228\(92\)90006-9](https://doi.org/10.1016/0143-6228(92)90006-9).

Straight, Bilinda. “Review of Being Maasai, Becoming Indigenous: Postcolonial Politics in a Neoliberal World.” *Anthropological Quarterly*, vol. 85, no. 4, 2012, pp. 1295–98, <https://www.jstor.org/stable/41857303>.

Sürgevil Dalkılıç, Olca. “Conceptual Framework about Tokenism Phenomenon in Organizations.” *International Journal of Contemporary Economics and Administrative Sciences*, vol. 9, no. 2, Dec. 2019, pp. 205–31, <https://doi.org/10.5281/zenodo.3537908>.

Tandeciarz, Silvia. “Reading Gayatri Spivak’s ‘French Feminism in an International Frame’: A Problem for Theory.” *Genders*, Mar. 1991, pp. 75–90, <https://doi.org/10.5555/gen.1991.10.75>.

Tennberg, Monica. “Indigenous Peoples as International Political Actors: A Summary.” *Polar Record*, vol. 46, no. 3, July 2010, pp. 264–70, <https://doi.org/10.1017/S0032247409990398>.

Thompson, Kenneth W. “The Ethical Dimensions of Diplomacy.” *The Review of Politics*, vol. 46, no. 3, 1984, pp. 367–87, <https://www.jstor.org/stable/1407220>.

White, Te Hau. ‘A Difference of Perspective? Māori Members of Parliament and Te Ao Māori in Parliament’. *Political Science*, Dec. 2016. world, www.tandfonline.com, <https://doi.org/10.1177/0032318716678446>.

White, Te Hau. 'A Difference of Perspective? Māori Members of Parliament and Te Ao Māori in Parliament'. *Political Science*, Dec. 2016. world, www.tandfonline.com, <https://doi.org/10.1177/0032318716678446>.

Winder, Bayly. "Orientalism: Review Article." *Middle East Journal*, edited by Edward Said, vol. 35, no. 4, 1981, pp. 615–19, <https://www.jstor.org/stable/4326308>.

Yakop, Mina, and Peter Van bergeijk. 'The Weight of Economic and Commercial Diplomacy'. *International Institute of Social Studies of Erasmus University (ISS), The Hague, ISS Working Papers - General Series*, Aug. 2009. *ResearchGate*, <https://doi.org/10.2139/ssrn.1469137>.

Reports:

'Integrating Indigenous Worldviews and Knowledge into New Zealand's Foreign Policy'. *OECD*, 13 Mar. 2023, <https://www.oecd.org/development-cooperation-learning/practices/integrating-indigenous-worldviews-and-knowledge-into-new-zealand-s-foreign-policy-e216bed0/>.

'Latest U.S. Opinion Polls'. *IPSOS*, 6 May 2024, <https://www.ipsos.com/en-us/latest-us-opinion-polls>.

23rd Ipsos NZ Issues Monitor for February 2024. *IPSOS NZ*, 18 Mar. 2024, <https://www.ipsos.com/en-nz/23rd-ipsos-nz-issues-monitor-feb-2024>.

Charters, Claire, et al. *He Puapua - Report of the Working Group on a Plan to Realise the UN Declaration on the Rights of Indigenous Peoples in Aotearoa/New Zealand*. Te Puni Kōkiri, 1 Nov. 2019, p. 123.

Keating, Colin, et al. *Report to the Secretary of Foreign Affairs and Trade on Foreign Policy Tools Available to Respond to Grave International Situations of Concern Involving Human Rights and Peace and Security*. Advisory Group on Human Rights and the Foreign Policy Toolkit, May 2023, p. 48, <https://www.mfat.govt.nz/assets/About-us-Corporate/MFAT-strategies-and-frameworks/Report-on-Foreign-Policy-Tools.pdf>.

Martínez Cobo, José R., and UN. Subcommission on Prevention of Discrimination and Protection of Minorities. Special Rapporteur on the Problem of Discrimination against

Indigenous Populations. *Study of the Problem of Discrimination against Indigenous Populations. Volume 5, Conclusions, Proposals and Recommendations*. United Nations, 1987, p. 46. *digitallibrary.un.org*, <https://digitallibrary.un.org/record/133666>.

New Zealand Story Group, “Global Pulse Check 2022” Govt.nz, August 2022.

MFAT Annual Report 2018-2019. Ministry of Foreign Affairs and Trade NZ, <https://www.mfat.govt.nz/assets/About-us-Corporate/MFAT-corporate-publications/MFAT-Annual-Report-2019/Annual-report-2019-Web-Edition.pdf>. Accessed 5 June 2024.

MFAT Annual Report 2021-2022. Ministry of Foreign Affairs and Trade NZ, <https://www.mfat.govt.nz/assets/About-us-Corporate/MFAT-corporate-publications/MFAT-Annual-Report-2021-22.pdf>. Accessed 6 May 2024.

MFAT Annual Report 2022-2023. Ministry of Foreign Affairs and Trade NZ, <https://www.mfat.govt.nz/assets/About-us-Corporate/MFAT-corporate-publications/MFAT-Annual-Report-2023/MFAT-Annual-Report-2023.pdf>. Accessed 6 May 2024.

Rafique, Naila. “Beyond the Protests: Sri Lanka’s Aragalaya Movement and the Uncertain Future.” *Freedom House*, 26 Oct. 2023, <https://freedomhouse.org/article/beyond-protests-sri-lankas-aragalaya-movement-and-uncertain-future>.

Revealing Poll Shows People See Te Tiriti o Waitangi as Partnership, Prepared for Te Kāhui Tika Tangata / Human Rights Commission. Horizon Research, Nov. 2023, p. 21, <https://tikatangata.org.nz/news/revealing-poll-shows-people-see-te-tiriti-o-waitangi-as-partnership>

Stavenhagen, Rodolfo, and UN Commission on Human Rights Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People. *Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Rodolfo Stavenhagen :: addendum*. Jan. 2006. *digitallibrary.un.org*, <https://digitallibrary.un.org/record/566046>.

Legal documents:

‘Te Tiriti o Waitangi | The Treaty of Waitangi’. *Waitangi Tribunal - New Zealand Government*, <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/translation-of-te-reo-maori-text/>. Accessed 13 May 2024.

“New Zealand: Thousands March against New Government’s Reversal of Indigenous Policies.” 5 Dec. 2023. *www.bbc.com*, <https://www.bbc.com/news/world-asia-67621800>.

EU-NZ FTA - Chapter 25: Exception and General Provisions. 2023, <https://www.mfat.govt.nz/assets/Trade-agreements/EU-NZ-FTA/Chapters/25.-Exceptions-and-General-Provisions.pdf>.

Ko Aotearoa Tēnei: Report on the Wai 262 Claim Released | Waitangi Tribunal. <https://waitangitribunal.govt.nz/news/ko-aotearoa-tenei-report-on-the-wai-262-claim-released>. Accessed 17 May 2024.

Treaty of Waitangi Act 1975 No 114 (as at 17 December 2022), Public Act – New Zealand Legislation. <https://www.legislation.govt.nz/act/public/1975/0114/latest/whole.html#DLM435504>. Accessed 17 May 2024.

UK - NZ FTA - Chapter 32 : General Exception and General Provisions. 2022, <https://assets.publishing.service.gov.uk/media/621619e4d3bf7f4f0c65c25b/uk-new-zealand-free-trade-agreement-chapter-32-general-exceptions-and-general-provisions.pdf>.

Waitangi Tribunal, *Ko Aotearoa Tānei. A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity. Te Taumata Tuarua* (Wai 262 Report) (Wellington, New Zealand: Waitangi Tribunal, 2011), 63, <http://www.waitangitribunal.govt.nz/>

Official Documents and Addresses:

‘2023 General Election - Official Result’. *Electoral Commission*, https://archive.electionresults.govt.nz/electionresults_2023/. Accessed 8 May 2024

‘Broad Perspectives to Inform Trade for All Agenda’. *Beehive.Govt.Nz*, <https://www.beehive.govt.nz/release/broad-perspectives-inform-trade-all-agenda>. Accessed 14 May 2024.

- ‘Govt Must Reject He Puapua’. *ACT New Zealand*,
https://www.act.org.nz/govt_must_reject_he_puapua. Accessed 9 May 2024.
- ‘Principles from Te Ao Māori the Māori Worldview | He Aronga Māori Ki Ngā Mātāpono’. *Ministry of Business, Innovation and Employment*,
<https://www.mbie.govt.nz/business-and-employment/economic-development/just-transition/just-transitions-guide/foundations/principles-from-te-ao-maori-the-maori-worldview/>. Accessed 23 Apr. 2024.
- ‘The Indigenous Peoples Economic and Trade Cooperation Arrangement’. *New Zealand Ministry of Foreign Affairs and Trade*, <https://www.mfat.govt.nz/en/trade/nz-trade-policy/the-indigenous-peoples-economic-and-trade-cooperation-arrangement/>. Accessed 26 Apr. 2024.
- 2023 Coalition Agreement*. New Zealand First, 24 Nov. 2023,
<https://www.nzfirst.nz/coalition-agreement>.
- Address by Minister of Foreign Affairs Hon Nanaia Mahuta to the Waitangi Diplomatic Corps*. Directed by Ministry of Foreign Affairs and Trade, 2021. *YouTube*,
<https://www.youtube.com/watch?v=BDFDnC1Dyho>.
- AUKUS: The Trilateral Security Partnership Between Australia, U.K. and U.S.’ *U.S. Department of Defense*, <https://www.defense.gov/Spotlights/AUKUS/>. Accessed 9 May 2024.
- Australia and Aotearoa-New Zealand Indigenous Collaboration Arrangement - Prime Minister and Cabinet*. National Indigenous Australians Agency, 28 Feb. 2020,
<https://www.niaa.gov.au/resource-centre/indigenous-affairs/australia-and-aotearoa-new-zealand-indigenous-collaboration-arrangement>.
- Banks, Rosemary. *Explanation of Vote by New Zealand Permanent Representative H.E. Ms Rosemary Banks on the Declaration of the Rights of Indigenous People*. New Zealand Mission to the United Nations, 13 Sept. 2007,
https://cendoc.docip.org/collect/cendocdo/index/assoc/HASHbdd4/d850e435.dir/nwezealand_expl.pdf.
- Hon Dr Shane Reti. *Māori Health Authority Disestablished*.
<https://www.beehive.govt.nz/release/m%C4%81ori-health-authority-disestablished>. Accessed 8 May 2024.

IPETCA. *Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) - Partnership Council Terms of Reference*.

<https://www.mfat.govt.nz/assets/Uploads/IPETCA-Partnership-Council-Terms-of-Reference.pdf>.

Memorandum of Understanding between Te Taumata and the Ministry of Foreign Affairs and Trade. 24 Sept. 2019, p. 7, <https://www.mfat.govt.nz/assets/Uploads/MFAT-Te-Taumata-MOU.pdf>.

Ministerial Statements — UN Declaration on the Rights of Indigenous Peoples— Government Support - New Zealand Parliament. 20 Apr. 2010, https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20100420_00000071/ministerial-statements-un-declaration-on-the-rights-of.

Navigating a Shifting World | Te Whakatere i Tētahi Ao Hurihuri. Ministry of Foreign Affairs and Trade, July 2023.

New Zealand Ministry of Foreign Affairs and Trade. ‘An Overview of New Zealand’s Trade in 2021’. *New Zealand Ministry of Foreign Affairs and Trade*, 10 Mar. 2022, <https://www.mfat.govt.nz/en/trade/mfat-market-reports/an-overview-of-new-zealands-trade-in-2021/>

New Zealand Ministry of Foreign Affairs and Trade. ‘NZ Trade Policy’. *New Zealand Ministry of Foreign Affairs and Trade*, <https://www.mfat.govt.nz/en/trade/nz-trade-policy/>. Accessed 25 Apr. 2024.

Pearson, Clive. ‘Statement by Mr Clive Pearson, Head of the New Zealand Delegation to the Permanent Forum on Indigenous Issues on Behalf of Australia, New Zealand and the United States of America on the Declaration on the Rights of Indigenous Peoples’. *Permanent Mission of Australia to the United Nations*, 17 May 2006, https://unmy.mission.gov.au/unmy/soc_170506.html.

Schulze, Hillmare, and Kel Sanderson. *Māori Exports, Current and Potential Trade with Pacific Alliance Countries*. 5934, BERL, Oct. 2018, <https://www.mfat.govt.nz/assets/Trade-agreements/Pacific-Alliance-NZ-FTA/BERL-Report-TPK-16-October-2018.pdf>.

Te Puni Kōkiri. *He Tirohanga o Kawa Ki Te Tiriti o Waitangi - The Principles of the Treaty of Waitangi as Expressed by the Courts and the Waitangi Tribunal*. 2001, <http://www.tpk.govt.nz/en/o-matou-mohiotanga/crownmaori-relations/he-tirohanga-o-kawa-ki-te-tiriti-o-waitangi/>.

Trade, New Zealand Ministry of Foreign Affairs and. 'Trade Engagement'. *New Zealand Ministry of Foreign Affairs and Trade*, <https://www.mfat.govt.nz/en/trade/nz-trade-policy/how-do-we-consult-on-free-trade-agreements/>. Accessed 1 May 2024.

News Articles:

'Manaakitanga – More than Just Hospitality'. *Home*, Mar. 2021,

<https://on.mas.co.nz/issues/march-2021/manaakitanga-more-than-just-hospitality/>.

'New Government Plans to Review Treaty of Waitangi Principles'. *RNZ*, 24 Nov. 2023,

<https://www.rnz.co.nz/news/national/503168/new-government-plans-to-review-treaty-of-waitangi-principles>.

'Thousands Rally against Government Indigenous Policies in New Zealand | AP News'.

AP News, 5 Dec. 2023, <https://apnews.com/article/new-zealand-parliament-maori-protest-f2911ce5167d8b0758b5c1a2fc1c6884>

"New Zealand: Thousands March against New Government's Reversal of Indigenous

Policies." 5 Dec. 2023. *www.bbc.com*, <https://www.bbc.com/news/world-asia-67621800>.

Goodall, Laura. 'Māori Conservation Lessons'. *Stuff*, 17 Feb. 2019,

<https://www.stuff.co.nz/environment/climate-news/110587713/climate-change-scientists-look-to-maori-and-other-indigenous-people-for-answers>

Kenny, Katie. 'NZ's Official Languages: What You Need to Know'. *RNZ*, 14 Dec. 2023,

<https://www.rnz.co.nz/news/what-you-need-to-know/504722/nz-s-official-languages-what-you-need-to-know>.

Malpass, Luke, and Lynch. 'The He Puapua Plan Explained'. *Stuff*, 14 July 2021,

<https://www.stuff.co.nz/national/explained/125740914/the-contentious-he-puapua-plan-explained>.

McDonald, Kevin. 'Mahuta's "radically Different" Te Ao Māori Foreign Policy Approach with China Makes Prestigious International Journal'. *Te Ao Māori News*, 28 June 2023,

<https://www.teaonews.co.nz/2023/06/29/mahutas-radically-different-te-ao-maori-foreign-policy-approach-with-china-makes-prestigious-international-journal/>.

Miller, Geoffrey. 'Wang Yi's Perfectly Timed Visit to New Zealand'. *The Diplomat*, 18 Mar. 2024, <https://thediplomat.com/2024/03/wang-yis-perfectly-timed-visit-to-new-zealand/>.

Reuters. 'South Africa Election: Who Are ANC and Other Rival Parties Vying for Power? | Reuters'. *Reuters*, 8 Mar. 2024, <https://www.reuters.com/world/africa/parties-vying-power-south-africas-2024-election-2024-05-08/>

Rickey, Gil. "Does New Zealand's Indigenous Diplomacy Measure up?" *Policy Forum*, 7 Oct. 2022, <https://www.policyforum.net/does-new-zealands-indigenous-diplomacy-measure-up/>.

RNZ. "New Government Plans to Review Treaty of Waitangi Principles." *RNZ*, 24 Nov. 2023, www.rnz.co.nz/news/national/503168/new-government-plans-to-review-treaty-of-waitangi-principles.

Stewart, Ella. 'How the Coalition Plans to Replace the Quickly Scrapped Māori Health Authority'. *RNZ*, 18 Apr. 2024, <https://www.rnz.co.nz/news/in-depth/514549/how-the-coalition-plans-to-replace-the-quickly-scrapped-maori-health-authority>.

Watson, Angus. 'Within Weeks of Taking Office, New Zealand's Leaders Are Tagged as "Anti-Maori"'. *CNN*, 17 Dec. 2023, <https://www.cnn.com/2023/12/17/world/new-zealand-nationals-luxon-maori-intl-hnk/index.html>.

Web sources:

'ICA between New Zealand and Australia'. *Te Puni Kōkiri*, 2020,

<http://www.tpk.govt.nz/en/o-matou-mohiotanga/culture/indigenous-collaboration-arrangement/>.

'Indigenous Peoples at the United Nations | Division for Inclusive Social Development (DISD)'. *United Nations Department of Economic and Social Affairs*,

<https://social.desa.un.org/issues/indigenous-peoples/indigenous-peoples-at-the-united-nations>. Accessed 17 May 2024.

‘John Tamihere’. *Wikipedia*, 19 Jan. 2024. *Wikipedia*,

https://en.wikipedia.org/w/index.php?title=John_Tamihere&oldid=1197127780

Curtis, Huon, and Blake Johnson. *What Would a First Nations Foreign Policy Look like? | The Strategist*. <https://www.aspistrategist.org.au/what-would-a-first-nations-foreign-policy-look-like/>. Accessed 11 Oct. 2023.

Curtis, Huon, and Justin Bassi. *First Nations Diplomacy Could Be Australia’s Key Foreign Policy Tool | The Strategist*. <https://www.aspistrategist.org.au/first-nations-diplomacy-could-be-australias-key-foreign-policy-tool/>. Accessed 11 Oct. 2023.

Indigenous Collaboration Arrangement between the Government of Canada and the Government of Aotearoa-New Zealand. Government of Canada; Crown-Indigenous Relations and Northern Affairs, 23 Aug. 2022, <https://www.rcaanc-cirnac.gc.ca/eng/1661267430193/1661267450227>.

Keane, New Zealand Ministry for Culture and Heritage Te Manatu. ‘He Whakaputanga – Declaration of Independence’. *Te Ara - the Encyclopedia of New Zealand*, Ministry for Culture and Heritage Te Manatu Taonga, 20 June 2012, <https://teara.govt.nz/en/he-whakaputanga-declaration-of-independence>.

New Zealand Māori Council. <https://www.nzmaoricouncil.org>. Accessed 13 May 2024.

Statistics - New Zealand China Council. <https://nzchinacouncil.org.nz/statistics/>. Accessed 17 May 2024.

Wilson, John. ‘History - Europeans to 1840’. *Te Ara - the Encyclopedia of New Zealand*, Ministry for Culture and Heritage Te Manatu Taonga, 1 Apr. 2020, <https://teara.govt.nz/en/document/1454/cooks-map-of-new-zealand-1773>.

APPENDIX A: Table of interviews

Name, Age	Tribe affiliation	Date and time of interview(s)	Length of interview(s)	Role
Interviewee A	///	13 Feb 2024 – 3AM CET ²¹⁴ (3PM NZT ²¹⁵)	59 minutes	Ministry of Foreign Affairs and Trade official
		6 May 2024 – 8AM CET (6PM NZT)	47 minutes	
Te Ururoa Flavell	Ngāti Rangiwewehi, Ngāpuhi, Ngāti Raukawa	25 Feb 2024 – 9:30PM CET (7:30AM NZT)	35 minutes	Former Leader of Te Pāti Māori (2013-2018) Former Minister for Māori Development (2014-2017) Former MP for Wairiki
Nanaia Mahuta	Waikato-Tainui, Ngāti Maniapoto and Ngāti Manu	29 Feb 2024 – 6:30AM CET (8:30 NZT)	46 minutes	Former Minister of Foreign Affairs and Minister of Disarmament and Arms Control (Nov 2021- Nov 2023) Former Minister for Māori Development (2017-2020)

²¹⁴ Central European Time

²¹⁵ New Zealand Time

APPENDIX B: Interview with Te Ururoa Flavell (Ngāti Rangiwewehi, Ngāpuhi, Ngāti Raukawa)

Interview held on 25 February 2024

Emma: Alright, so we're perfect on that. And then perhaps I can just let you introduce yourself briefly. And if you want me to repeat what my thesis is about and what I do and everything, I'll be happy to do so. And then we can move on to questions if you're happy with that.

Te Ururoa Flavell:

Yeah, that's fine. So my name is Te Ururoa Flavell.

Official title is Honourable Te Ururoa Flavell as a former member of Parliament and a Minister. I live in New Zealand, Rotorua, New Zealand. I am of the tribal nations of Ngāti Rangiwewehi, also of Ngāti Te Ata, of Ngāpuhi, and Ngāti Raukawa, So I served in Parliament for 12 years as a member of Parliament for Wairiki, and I served as a Government Minister in my time for three years as Minister for Māori Development, Minister for Whānau Ora and Associate Minister for Economic Development. So, yeah, that's what I'm about.

E: Well, thank you very much. So on my end, just to remind you, so I'm in my first year of Master's and fourth year of study. I study political science in France. My Master's is Strategy, Risk Management and Intelligence. So everything related to international relations, defence, diplomacy, a very wide range of courses. And I went to New Zealand last year.

I was there actually a year from now. I was in Wellington working for the National Council of Women. And it was a very, very great internship. I spent five months there and I learned a lot. And when I came back to France, I had to make a choice for my Master's thesis. And I knew I wanted to do something about indigenous policies because it's something that's very not talked about in France at all. And that's a field of research that is very narrow. So I thought I could give it a go. And I still had to make it take an international relations turn, I guess, since it's what my Master's is about.

Then I got familiar with what Hon. Nanaia Mahuta Mahuta introduced, which is the foreign policy. And I decided to delve into this a bit more, which is why I'm here trying to discuss with people who are comfortable talking about that first. And also who have expertise in Māori issues, Māori policies, international relations.

Te Ururoa Flavell: I'll do my best to help.

E: That's great. I'm very thankful. So I guess if we want to start with the questions. Is the foreign policy that Nanaia Mahuta Mahuta tried to implement, she talked about a Māori foreign policy that would be based on four *tikanga Māori*. So I don't think I will pronounce them in te reo because I'm going to butcher them. But hospitality, connectedness, unity through collaboration and guardianship and protection of intergenerational well-being. So she said that she wanted to introduce a foreign policy that would implement this principle all throughout. So that was in 2021.

And I wanted to know if you as an observer and someone that's very active in political life, have you noticed any major changes in this way? Have you seen that there was some progress being done?

Te Ururoa Flavell:

No. No, probably not. And of course, you'll be aware that we've got a new government now.

So despite the fact that Minister Mahuta attempted to do her best, as far as I'm aware, there's been two foreign ministers who have been Māori. One has been Iha Mahuta and the second one is the current foreign minister. And one of them has a good overview of a Māori philosophical view of the world, which is Nanaia Mahuta Mahuta. And she's presented those in those words in their policy. And the current minister has little grounding, if anything, albeit he's Māori, in those sorts of values, nor indeed a really solid understanding about te ao Māori, which has been well documented in terms of the policies they put in front of the coalition government and are attempting to enact. And you can tell that there is little appetite for changes in that area because Māoridom reacted with three major hui from Turangawaewae, which I'm hopefully sure you're aware of. Secondly, the Rātana movement hui and thirdly, Waitangi, where thousands and thousands of people turned up to express their disdain at the policies that have been being advanced by the government. So, you know, you have to put it in some sort of context that firstly, yeah, Nanaia Mahuta did a good try. And those are values that we have as a part of our society, Māori society anyway.

They're fairly generic in some senses and they are about everything from unity to looking after people, which for all intents and purposes, you'd kind of like to hope that we all think like that. But has it been adopted or picked up? Not that I'm aware of. Is it likely to? Probably not.

Simply because, you know, it has to be a government push. And most governments today, firstly, struggle with the relationship with Māoridom and secondly, struggle with the notion that Māoridom could enter into discussions with other nations because that just hasn't been done in New Zealand history.

E: All right. And on the way New Zealand is handling relationship with other nations, have you felt that principles like relationality and the way you should conduct relations with people has been actually implemented in the way diplomacy was conducted? Or do you feel like some nations have been left behind? Are there any points where New Zealand should have done more to build better relationship with these nations? Or on the opposite, not build relationship with other nations who would disregard and not help New Zealand to develop? Does it make sense?

Te Ururoa Flavell:

I'm struggling a little bit with that one. I mean, I think the thing is, is that we've got to start from the beginning, which is New Zealand foreign policy and the part that Māori has in foreign policy. And the answer is very little input into it. That's just, that's how it is. And

therefore, the foreign policy adopted by the country is pretty much of the dominant party in the government and it has been Labour.

But there has and always will be a reluctance to introduce and follow concepts of te ao Māori because to do that is to accept that Māori should have an input at that level. And depending on who the government is, that can either be a little bit or a little bit more or nothing. And that's been our history. We don't have any input into things. So my example is, as an example, I was Associate Minister for Economic Development. I went overseas. I know that the special brand that Māori, the Māori bring an X factor to relationships with other peoples. There's something in our culture that allows us to interconnect. And that's why those words that Minister Mahuta used are quite important about *kotahitanga*, *whanaungatanga*, *whakapapa*.

All of those words are inherently part of the value system that we have. Therefore, when we meet indigenous peoples or other peoples around the world, as I did when I was minister, it's easy for us to make connections because it's inherently part of our culture. On the other side of the coin, those who are not Māori don't necessarily, firstly, operate in the way we do.

Secondly, understand how we operate. Thirdly, don't get the same results that we get. And fourthly, in the end, no matter the fact that we get results, that doesn't impact on or change anything that New Zealand governments do.

So when I went overseas, I took Māori delegations, was fine for Māori delegations because they were able to get some deals. And I came back and told the Prime Minister and the Deputy Prime Minister that I believed that this country was missing out because of a lack of acknowledgement of kaupapa Māori values and how we operate and that we are the X factor. Well, it went nowhere because people don't accept it and don't get it. So the same applies with foreign policy. You know, people don't get the value, the X factor that we bring, the value factor that we bring to relationships. And Ngāi Māhuta by herself would have been able to easily have done that. But, I mean, sometimes it's not palatable to other colleagues and other people about how we work. And so it's almost dismissed. When you say people don't realise the value that you put into it, when you refer to people, do you refer to people in New Zealand or people abroad? People at home.

Yeah, they don't understand it. They don't understand that value that we bring.

E: Do you think perhaps in Pacific nations it's easier to understand since you have a historical link with them?

Te Ururoa Flavell:

Yeah, the Pacific side. How other people receive us is always great. They always get it, whether it's Pacific, Asian, whoever. They get it. They understand us. They see how we roll. What we have a problem with is internally in New Zealand, a lack of understanding, a lack

of acknowledgement of the X factor that's sitting right in front of our eyes and nobody gets it.

And so you take probably in the tourist sector, you know, people use Māori imagery but fail to acknowledge the part that we play in the tourism factor of Aotearoa. So it's the same in international. So what I'm talking about is it's all internal. It's here in New Zealand. It's here in Aotearoa.

It's political and it's in society. So is there, do you know what would a Māori foreign policy look like according to either your views or Te Pati's views? From what I recall, we've always had a stand and I don't think it'll be too different from the discussions. And I might refer you to a report called Makite Mai, it's on the web.

That was a report done recently and is being promoted as being pretty much a pathway forward for Aotearoa. And then there would be no doubt some issues about foreign policy. Similarly, if you Googled Moana Jackson. Have you heard that name?

E: I don't think so.

Te Ururoa Flavell:

Moana Jackson. So Moana Jackson was a renowned writer when he was alive, passed away about two years ago. If you Google him, then you'll find some articles that he would have put out about constitutional reform and about foreign policy, no doubt. But pretty much from what I've seen, what I've heard over the years, what we would refer to our foreign policy is Te Tiriti o Waikangi.

Why? Because it sets out the relationship that we believe that we have with this land. And secondly, it sets out the relationship of those coming here. And so we would say that that was our first foreign policy document because it allowed settlers to come to Aotearoa, set up their own government at the time.

And of course, if you read the history about the treaty, you know that that's obviously not the case now. But it is very much our link back to a time when we were a sovereign people. Still a sovereign people, but in terms of the context of political environment. So that set the scene, the Treaty of Waitangi set the scene. We also had prior to that, and I'm sure you might have seen that, the Declaration of Independence. So that sets out a regime of acknowledgement that we were sovereign, independent nations. And we had a flag that was done and set up and signed by England as being signed under the United Tribes of New Zealand. So you've got all that sort of historical background, but the reality here and now is obviously way different to what it was then. But Māori continue to contend that the Māori version of the Treaty of Waitangi is the right version because I think you'd be aware we've got two versions of the Treaty of Waitangi. One written in Māori, one written in English. And of course, we can't solve anything about those because they're both absolutely different.

What the government has done is to reshape them into what has currently been called the principles of the Treaty of Waitangi, which would bear no bearing to one or the other.

So they're trying to find a middle ground, which is about getting rid of, in a sense, the Māori version. So Māori will always hold on to the Māori version. That's the one we stand by. And of course, we have international law to support us that that's the official version through the Contra Preferentum Clause, which it seems like you know about that. But of course, we can't solve that one. We can't get to the International Court because you need both parties to agree that you're sovereign nations and to acknowledge each other. So we're always stuck in this conundrum. And that's why Māoridom continues to fight. Sorry, I went off the question.

I can't remember what the question was.

E: If I'm not mistaken, I think you've taken part in the, like, you've been advocating for the ratification of the UN Declaration of Indigenous People. Can you tell me more about that, how it went? And where do you think New Zealand is at right now with that?

Te Ururoa Flavell:

Well, it was our view at that time when the Māori Party got into Parliament, there was still the whole discussion we were trying to promote was referencing things back to the Treaty of Waitangi. And at the time, Wanda Jackson was active in terms, and others as well, were active in trying to give credence to the debate at the time, which was about UNDR. But the New Zealand government were not willing to move.

I think America held out. I think the only ones that did sign in were Canada and Australia, and New Zealand held out. Until finally, because of the relationship, the political relationship, the Māori Party had with the National Party, we were able to get it over the line. So Dr. Peter Sharples, the Honorable Dr. Peter Sharples and myself were at the UN when that was all confirmed in the UN. And that was a major, major coup in acknowledgement, in finally acknowledging indigenous rights. But of course, the downside with the UN is that it's almost a waste of time, simply because governments don't have to, while they sign it, they don't have to follow it.

And there's no monitoring of it, other than special rapporteurs who might come from time to time. Then they go and write a report. Then they hand it back to the government. The government has to either ratify it or otherwise will disagree with it. But nothing happens after that. It's just a report.

So it was a symbolic move, and celebrated at home here, certainly by academics and those who are aware of the significance of being a signatory to the United Nations Declaration on the Rights of Indigenous Peoples, and the clauses that were in there, and the solidarity that we had with other indigenous nations around the world. But actually, in practical reality, it didn't mean a thing. And right now, the current foreign minister has put forward that they

withdraw, that the current government withdraw from the obligations to the Declaration of Te Andra.

So if I just try and put this away somewhere, hold on. I've just got a document open. I can just about pull it up for you and tell you that the exact... I'll be a sec. *[tries to find a file on the computer]* I'll just find the statement, because in the context of this, it's quite important. And I was just talking about it on the weekend to somebody, so I've got it right here. Okay, so... It's coming up right now.

Yes. Okay, so... Sorry.

E: You're all good.

Te Ururoa Flavell:

Okay, so here it is. What do they say? Oh, so here's the statement from the government at this point in time as a part of their, whatever, their agenda. This is to “Confirm that the coalition government does not recognize the United Nations Declaration on the Rights of Indigenous Peoples, UNDRIP, as having any binding legal effect on New Zealand.”

E: All right. When was the statement made? Just out of curiosity.

Te Ururoa Flavell:

This is a part of the statements claimed by iwi leaders. All right. And put out publicly about... taken from the Manifestos of New Zealand First Party. Which is led by the Honourable Winston Peters, who is also the Minister of Foreign Affairs. Yeah.

But it's their push. His thing was, he wasn't aware of that happening at the time, and it was done under, without his consent, all that sort of stuff. Well, no. He wasn't even in government, and we had every right to go ahead and do that. Well, yeah. But this is a part of that agenda of taking us out of the consolidation of indigenous peoples around the world and what's happening in that regard. So that's why it's sort of motivated by that sort of stuff.

E: All right. I guess overall, what do you think could be the next steps to, like, do you see where the waves of public actions that are happening right now in New Zealand, do you know what the next step would be? What could be done?

Te Ururoa Flavell:

There's ongoing meetings at the moment from all iwi leaders. I had one here in Rotorua last week. And so very much the debate is current. It's ongoing. The statements made by iwi leaders are rolling out pretty much every second week, every week. There's one this morning. I can't remember what it was about. Not long ago I was reading it, but about the removal of the Māori Health Authority.

So iwi leaders are up in arms about that. They're also considering actions to be taken. We've got three years, but they're trying to keep momentum going by having discussions, not only

to consider the actions of the current government, but also consider what self-determination looks like for Māori. So we don't get bogged down in reacting to the government all the time, although that is an approach that we have to take. We start thinking about ourselves and shaping our own futures. And I'm just wondering, and it's more of me trying to understand as well the context.

E: If the national government is trying to basically get rid of all the principles that Te Tiriti has implemented, isn't something that is first unconstitutional and lawful and then could be taken to international court?

Te Ururoa Flavell:

Not as far as I'm aware, on the basis that if you take somebody to court, especially to the international court, that the rule applies that you need to be acknowledged as a sovereign nation. So you can take another sovereign nation to court, or else it just opens the door up for anybody to have a go. So that's where the international court comes in. And of course, does the New Zealand government recognise Māori as an international people, sorry, as a sovereign nation? Answer, no. Does England recognise Māori as a sovereign nation? Answer, no. Therefore, you can't get through the door.

E: All right. On another hand, I had a question that's not really related to all of this. But I know that Aotearoa has very tight links with Australia, and that they have, like Australia is a very good partner of New Zealand in general, and especially diplomatically. What is your opinion on this relationship or your view on this relationship, considering the way Australia is handling their internal problem with Aboriginal people and Torres Strait Islanders?

Te Ururoa Flavell:

Well, they're probably not. No, yeah, they're definitely not. So last year when they had that referendum, you know, Australians rejected it. And so any diplomacy between New Zealand and Australia is not at that level. You know, it's about countries. It's not about people. When I say that, I'm saying, you know, there's not a discussion about Indigenous affairs. I mean, our foreign minister would say, well, what happens in our country is our business. And Australia will probably be the same for our Indigenous people. We might have some, you know, might have some cooperation of some kind, but probably not. There's nothing happening in that space, you know. I mean, put another way, we're not trading with the Aboriginal people.

And there's all sorts of reasons for that. I mean, they're all, like, we're tribal. They're very much tribal. They live in different, you know, they're trying to coordinate their efforts. It's pretty hard because they've got just one place to go to, in a sense, and yet they're all different tribal nations. It's a huge issue. And even, you know, Māori which trade with the Ainu people, they have no infrastructure in place to be able to do that. With the Samoan people, the same applies. Although they're probably a little bit more organized than most.

Can Māori trade with Cook Islands or Samoa? The answer is yes, and many do. But it's very much on a sort of singular basis. It's not a coordinated effort, because we don't have some sort of department cum ministry that looks after those sorts of things.

E: And if, for example, if the Māori Party was in power, do you think, like was, if we had a Māori Prime Minister or a Māori Prime Minister from Te Pati Māori, do you think relationships and diplomatic relations with Australia and other nations who disregard their own indigenous population would be possible? Would it be feasible?

Te Ururoa Flavell:

Well, it probably won't be feasible to get in there as we sit at the moment. And we will never be the major party because we are, Māori Party is based on the seven Māori seats that are available right now. So numerically, we're never, ever going to be in that position, unless, of course, we hold a balance of power. And then it would still be seven versus 50 something other MPs. And therefore, you're never likely to get a show. You could negotiate that sort of stuff, but that would have to be part of a memorandum of understanding come agreement between the two parties. So in our case, when I was a minister, and also during the time that my colleagues were ministers, we were able to negotiate certain things to get it out of line because they needed our vote and there was an element of goodwill to work together.

Political climate has changed a hell of a lot. Attitudes have hardened, just like is happening all around the world, whether it be the Trump administration or others. Macron in England, there's all that sort of a political unrest in a sense. So we're no different to that. And even the Māori Party members have said that there's no way they'd sit in the same sort of corridors as the other two parties if it came to a coalition agreement. Then again, when it comes to getting power, you probably do anything you can, if you needed to.

But at the moment, the Māori Party have signalled that they are not willing to take that. And so do we have political power right now? No. Have we had political power? Yes. The political power, however, came at a cost because people could not see and understand, Māori people I'm talking about, could not see and understand the political environment and how it works. Because you can't, it's basic, you can't achieve anything in opposition. So the Māori Party has been in opposition three years, will be in opposition another three years, have the same governments there, it'll be another three years, nine years. And so while Māori have given their votes over to a Māori Party, many would be asking, why? What's the value if you can't change anything? All right. I see. I see.

E: I think I have one last question that could be our final question, unless you have anything else to say. But to your opinion, is there right now any diplomatic relationship that New Zealand has with another country that does not make sense to you? Especially regarding Māori rights and everything.

Te Ururoa Flavell:

I can't sort of understand. I've been out of it a little bit too long now. So I'm not too sure what sort of developed up. But there was the Trans-Pacific Partnership, that was happening some in the time when I was in. And we rejected it at the time because despite the fact, well, for a number of reasons about exploitation of indigenous peoples, about the failure of the Treaty of Waitangi would not be acknowledged in any agreement to protect our rights.

So we rejected that sort of an agreement. But other than that, and we've sort of, again, we used to vote against any agreement if it didn't have principles. So the Treaty of Waitangi is a part of, you know, that parties must honour the Treaty or must acknowledge the Treaty of Waitangi in any agreement. And of course, that seemed to be that those sorts of words don't go down very well with governments all the day. So they didn't, it didn't matter because they were government anyway. So they just went ahead and did it. But that was their state.

E: I think that's all for me. Thank you very much for this time. Thank you very much for your time.

Te Ururoa Flavell:

I'll just share with you, Emma, just one slide. Yeah, of course. Just because I had it open, it might be helpful to you.

E: That's very nice. Thank you.

[Te Ururoa shared his screen and show me a PowerPoint file]

Te Ururoa Flavell: Can you see that? The current political climate. Okay, so these are the, when someone has asked what's the impact, what's going to be the impact of the new government on Māoridom, these are the things that they have been publicly putting out that in some senses target Māoridom.

E: Thank you very much.

Te Ururoa Flavell: If you want to take a photo of that.

E: Thank you very much for your time and your interest in all of this. Last question for very practical reasons. Can I cite your name in my thesis? Or would you rather me calling you by having you anonymous and calling you by another role? *[Nods his head]* You're fine?

Te Ururoa Flavell: Yep.

E: Okay, perfect. Perfect. Well, thank you very much

Te Ururoa Flavell: Good luck for your writing and I hope it goes well. Take care.

E: Kia ora. Thank you.

APPENDIX C: Interview with Nanaia Mahuta (Waikato-Tainui, Ngāti Maniapoto and Ngāti Manu)

Interview held on 29 February 2024

NB : Before the interview started to be recorded, Nanaia Mahuta Mahuta (Waikato-Tainui, Ngāti Maniapoto and Ngāti Manu) thanked me for giving her the opportunity to express herself on this topic and the means and policy she leveraged to draft a policy that would align with Māori heritage.

E: What you said is really important. You mentioned the relational aspect that you wanted to put forward in the way you were doing policy. I read a lot about that, Do you think there are any limits to this relational behaviour that could be happening? What could be a limit to how much you can do that? Or a oppositely, what do you think could be the next step to push it further?

Nanaia Mahuta:

I think if you try and understand the approach from a NZ centric perspective that relational starting point absolutely locates the primacy of our connections to the Pacific. Now history takes us all the way back to East Taiwan, we are part of the Austronesian group. We migrated across the Pacific and there are similar language groupings. There are similar cultural groupings at date back and have migrated across the Pacific, and have formed the Micronesian, Melanesian, Polynesian family, if you like. So from a relational point of view, because our stories tell of the history we can we have a natural connect to our nearest neighbourhood, which is the Pacific. And that's important because is a foreign policy sense, the Pacific is a contested space with superpowers, namely China and America, are vying for attention from the Pacific region and concerned in terms of the security, perhaps contests and interests that have been prosecuted in terms of presence in the region. So for NZ, because we have that relational connection whakapapa connection to the region we're seen by our Pacific neighbours, more as trusted distant relatives, if you like. We're relatives and we trusted relatives. Perhaps very different to how Australia is perceived and maybe primary to that is that Australia does not have a good track record in recognising its own indigenous people. I think if Australia was more connected to their own indigenous peoples the perhaps the same sentiment would be afforded to Australia that is afforded to New Zealand.

One point of difference between our indigenous cultures of New Zealand and Australia. Australia doesn't give a migration story. Their indigenous story states that they were always there. For NZ, again, because of our migration story across the Pacific, we have connections to the Cook Islands, to Samoa, to Tonga, to Fidji as we travelled throughout the Pacific to arrive here. The other element of the relational approach is that some of the hardest areas of where New Zealand's been able to secure a double advantage from the relationship.

A Māori leans enables New Zealand to think about things beyond the world of trade because foreign policy has often been articulated as a result of trade interests and economics. A relational approach enables you to think, well, what is the point of commonality here that enables us to have a shared conversation where we have mutual interest. It may not

necessarily be trade where we're building a trusted partnership or trusted relationship. And so, when you start from a Māori value space, that is what you are acknowledging: the connection, the relationship, creating a relationship of trust in then seeking out opportunities. So when I think about how that comes into play in foreign policy.

I think about the New Zealand- India relationship. India doesn't really want a free trade agreement with NZ and yet, we had Minister Jaishankar list of New Zealand. First Minister in 20 years from Indian administration to come to NZ. So, he valued the relationship enough to say "I want to come to New Zealand because beyond trade we have other areas of commonality" and that that was where we started and continued our discussion. And what we found was that you don't need a trade agreement to have business to business, strong business to business, government to government, people to people connections across a number of layers of common interests. And being as a result of foreign and Indigenous leans, we identified that one of the Māori priorities was to give credence to the traditional medicine and the long legacy of the traditional medicine. So this is a Indian government priority and because it's so important for Māori as well, it became a fertile area of conversation is so, well, let's explore that opportunity alongside what we might do in bespoke areas where there is a mutual advantage, like in agro-tech and improved opportunities for food production. That is one little example

Another one is South Africa. New Zealand's relationship across the African continent is very poor and a relational approach enabled myself and my counterpart from South Africa to identify that as a result of colonisation on our part and apartheid of their part, the way in which we're looking to rebuild our economies to include indigenous people there were some similarities there. So again, it just allows a different conversation.

Similarly with China, a big piece of the challenge within our region. Māori values reflected back to China looks something like this : China was able to recognise that we weren't just a Eurocentric Western nation trying to assert its dominance on a superpower such as China. Because we had the relationship with the natural, traditional relationship with the UK and with the US, with our traditional partners Canada and Australia, what they recognised in New Zealand is that we ultimately are a country in and of the Pacific. We were a country that was the first to reach a free trade agreement with China. But moving beyond a relationship of firsts, we're also a country that will be quite upfront with China So we don't say something to China's face and then say a different thing behind the back. In fact, the approach was to be respectful, consistent and very transparent in the way that we operated with China. We would never say anything in public that we haven't already said in private. I think because trying to get the measure of us, they they respected that So again it's a relation-based approach and invoking the values, Māori values. It's a strong platform to step into when you want to ensure that the relationship, for whatever outcome you're seeking, is credible. So credible relationship

E: And I guess that's how we can keep trade relationship with the country while still be critical of what they're doing. I'm thinking about human rights, as well about what China is doing in Xinjiang, that was your position on this?

Nanaia Mahuta:

What you will have found, especially when the war in Ukraine occurred, was that the European Union identified that rather than decoupling from its relationship with China, it de-risked its relationships. So many of the European nations effectively got themselves into a space to acknowledge with China in particular, their economies would be very fragile where they de-couple altogether from China. So they had to manage the relationship with a lot of vigilance, and a lot of care and attention, to identifying the things that they could work together from the things that they would stand apart on and that they would have an approach to be able to do that, so that there wasn't a big lunge by China to exert for example, sanctions of, you know, of various kinds.

Now Australia had gone through the process of having China use economic measures to constrain what it believed was a level of criticism that they were not happy with. It never happened to New Zealand, we are very vigilant about the way in which we manage the relationship with China. But similarly, so with the US : we defend our independent foreign policy, we don't want to be pulled from pillar to post as a country, we're very clear on what we can work together. We're very clear that we will not just hitch our trailer onto their track on all issues, every time.

E: It's an interesting metaphor. I think, going back on to what you said about Australia, if I'm not mistaken, there's been an Indigenous Collaboration Arrangement signed with both Australia and Canada. Was the Ministry of Foreign Affairs involved in the drafting of this?

Nanaia Mahuta:

Yes, but at the time, it was done in the term before I became Foreign minister, in my capacity as Associate Minister for Trade and Indigenous Trade in particular, there was the Australian Collaboration Agreement. And the Canadian Collaboration Agreement, which took a similar shape and format status, but it was completed by the Minister for Māori Development, who took on their portfolio. In the New Zealand context, the collaboration agreements came under the purview of the Minister for Māori Development because they're nonbinding set of arrangements. The things that were done at the ministry of trade was initially the conversation around the Trade chapter and the EU FTA Indigenous Trade chapter and also in the UK-FTA.

E: You said it was a non-binding set of arrangements. I think that part of the arrangement is to make sure that all the parties are trying to uphold the principles introduced in the UNDRIP. Do you think that with the turn that the current ministry is taking, with the National government having the lead, it could jeopardise the agreement and then perhaps your relationship with both Australia and Canada on these matters.

Nanaia Mahuta:

It will no doubt put some tension into the relationship, but it won't jeopardise it. I say that knowing that Australia has just gone through its referendum which didn't succeed. And I say

that knowing that current government in New Zealand is under significant pressure not to recoil from the gains that have been made for Māori in relation to the Treaty of Waitangi, which was always going to be the foundation through which we would look to contextualise delivery points of the UNDRIP. So you know, we're in a challenge space at the moment, but it won't challenge the relationship was either Australia or Canada.

E: OK. Do you think that the approach you introduced has a chance to be continued by the current government?

Nanaia Mahuta:

It's unlikely, it's unlikely. You really needed a concerted effort to drive at all levels, but at the political level, absolutely, the type of change that I was promoting. I have always felt that an Indigenous FP for NZ perspective could broaden our diplomatic toolkit. It could ensure that we had progressive economic inclusion of Māori through our various agreements, from collaboration agreements to trade agreements. Um, to the way in which we advance the benefits of economic inclusion to address inequality, poverty, systemic challenges with the nations around colonisation, but primarily opportunities for mediated conversations around self-determination and the like. So, I always felt that those were the areas of opportunity, but it needed a political champion as well as the ministry to embed the types of changes that would see policy being developed, that was able to demonstrate how we're achieving these whole-of-system changes.

E: I'm also getting back on what she said about the relational approach you have with Pacific nations. I think you started your time and as a minister for Foreign Affairs after the Pacific Reset Plan was introduced. So perhaps you had to take over what the previous ministers started to implement. How did you adjust to that and is there? Are there any things you chose to do differently now?

Nanaia Mahuta:

I quickly pivoted from a reset, that was simply stating that the relationship with the Pacific would start to be given priority. The one flaw in the Reset Policy is that there were no budget given to give a feet to that. So, I moved towards the Resilience Strategy, the Pacific Resilience Strategy, understanding that climate change was the biggest challenge facing the Pacific. Then I did the policy around the Climate Finance piece, we're now at COP 26, there was one in Edinburgh. We utilised the climate finance approach and a whole of government strategy to embed the way in which we worked with the Pacific. Again, the conversation with the Pacific was about how do we invest in your medium-to-long-term resilience? How can we use our climate finance funding to be able to crowd and support? And then what I also did was promoted against partners who wanted to come into the Pacific like the US, like France, like Sweden, that in order to participate in the Pacific, we needed to strengthen Pacific architecture, which was the Pacific Island Forum. So, we could partner with the blue Pacific Initiative, introduced by President Biden. Japan has a Pacific grouping that meets annually. Then we have ASEAN starts to reach out and engage with the Pacific Island Forum. So, we've got a broader regional grouping of Southeast Asia and the Pacific coming together to address some of these common challenges and issues.

E: in terms of climate change?

In terms of climate change but beyond climate change, also other areas of opportunity. Yeah, but climate change is one of them. I think one of the key issues that emerged as a sounding puff started to engage more widely, obviously was the climate change conversation, but Fukushima: the release of treated nuclear wastewater into the Pacific Indian picked on the marine environment and ecosystem. And because the tuna species is such a significant species in the region as it brings in notable revenue after Pacific nations, that was a very tasty issue that we worked through with Japan.

E: Does the CPTPP enters this coalition that has been created?

CPTPP unlike the EU FTA and UK FTA, did not provide for indigenous chapter or recognition of indigenous economies. The intention was that, as that evolved, the question would always be a domestic one for NZ : how do Māori benefit from CPTPP because the agreement had already been pretty much fully articulated and the economies were going through the ascension process.

E: The way I started my research was through of concept of indigenous diplomacy. Do you think that your approach, Māori foreign policy approach is different from what we think of an indigenous diplomacy and how do you think it is different?

Nanaia Mahuta:

There is no indigenous diplomacy. There isn't any. I mean that the only indigenous diplomacy that exists is in the informal, not recognised, not state recognised insurrection that occur between Māori people or first nations or indigenous people. It is not being formally articulated in any other nation except ours. My predecessor who has been returned as foreign minister in this government is Māori but he didn't give any voice to indigenous values. Let's not think that every Māori has an idea of what an Indigenous Foreign Policy look like. I was very deliberate about it because I felt that it was a wonder of opportunity for New Zealand to benefit. But you know, Winston Peters, he probably won't go anywhere near it because he's uncomfortable about its own identity and ability to confidently take an Indigenous stance forward.

E: That's very interesting. You said that he would not give any force to indigenous values that's what you wanted to do I guess when you introduced Māori Foreign Policy? What do you think are the other ingredients to have a Māori FP. I think you mentioned four *tikanga*, but what to you think ae other must-haves to implement that efficiently.

Nanaia Mahuta:

Well, I think we have a lot to offer in terms of how experience in New Zealand can be transferable and connect to other countries that have had similar experiences. Peacekeeping, the development of space policy and thinking about a common approach to looking after space with *Kaitakitanga* as the overriding approach. I think the indigenous Foreign Policy is a real opportunity to NZ. But I doubt very much if Winston Peters will continue it. The

other aspects of a Foreign Policy in the way in which we form Foreign Policy, our internal engagement in Foreign Policy.

Now, in my mind, Foreign Policy should be engaged with and not only developed within the ministry. We should have civil society being able to feedback on policy developed as we're making critical decision on the delivery of humanitarian aid or the delivery of overseas development aid. We should be engaging with Māori in terms of the Treaty of Waitangi inconsistency in the way we have been developing policy to uphold these principles. We should be engaging with our business community around, for example, the delivery of project in the climate change pace. We want to support an ecosystem that is sensitive to what those delivery points look like in the Pacific. Now, we can grow a capacity within our region we need our businesses to be engaged in the conversation. Not only the big companies but a whole pipeline of contract tenders who could participate in this sense.

E: I remember when I was interning at the NCW, I was able to attend some of the meetings organised by MFAT on the drafting on the CPTPP as a representative for NGO among other people representing civil society and NGOs. And they were asking us about it, which is something that is not happening in France.

I was wondering about how can you push forward and try to implement more Māori principles and more Māori culture within FP without turning it into a token for other nations? How can you genuinely promote it without "tokenizing" it?

Nanaia Mahuta:

The only way you can do that is by having a layered approach on indigenous FP inclusion. In a relational point of view, in terms of building those critical relationships and exploring the potential of these relationships fully. In terms of strengthening democracies, strengthen the delivery towards indigenous people based on the shared experience potentially trade and economic, cultural revitalisation, social inclusion. There are so many things that we can share.

And then there is the machinery of government aspects that we can again, share, to be able to support other like-minded nations who have at the heart of their restoration, the genuine desire to address the issues of relation to their indigenous people. So, you know, I take Chile as a really good example. Chile has got some real challenges with full inclusion of the Mapuche people into their economy. There are other examples of similar aspects of our experience that would be transferable to Chile in working with their Mapuche people. We've just got to look for the opportunity that the government opens the door and then just let indigenous walk through and get the opportunity to learn from each other and learn quickly and then translate those benefits in all these other ways to strengthening their society. But you know, it is not for the merely, mildly managed politician, this is courageous stuff I'd say.

E: It is not for everyone?

Nanaia Mahuta:

No. It is like feminising Foreign Policy. It is easy to say, but when you start looking at the delivery points of what a feminist foreign policy look like, then you start to understand how whanging it is to deliver on this. I'll give you a really good example. End of my term as a minister, I have appointed the most women as head of missions for New Zealand. And that did not happen by accident, that happened because I knew that soft power had a place in the world and that it needed to be demonstrably felt and some their key posts, have never had women. That's one way. The other way is in the senior leadership team of our Ministry. You know, there is no reason why we couldn't continue to push on senior leadership. This is just after the CA. I've got to a point of having 60/40 by the time I left, in the senior leadership team. That's in the span of three years. In my mind, my objective was to reach 50/50. But my point is, if you want to deliver on feminist FP, you've got to be very intentional about how you do that; The policy thinking can inform the opportunities to improve the help to women and children through our development contribution and climate contribution, and that all of this can be seen. That's just one example of "it sounds good, but it has to be delivered on that" and it requires champions in all layers.

E: I think my last question would be, in retrospect, are there things you wished you had pushed further in terms of Māori Foreign Policy during your time in office?

Nanaia Mahuta :

As a minister you're quite in an ecosystem. I know that I've pushed as hard as I would in the time that I had. There were two things I was not able to achieve and that I wanted to achieve. I believe that New Zealand needs to make a [...] (34:30) and take part in the global South movement that is happening. And the missing piece is really our relationship with bot [...] and the African continent: I felt that Māori and having an indigenous FP would improve the opportunities for NZ to explore what they could look like.

The second piece, from the time I got into office, I wanted to visit Palestine. And it's my strong view that NZ should recognise Palestine as an independent state. We had, although not comparable, although not comparable, the conversation around self-determination is a conversation that, prior to what's happening in Gaza, NZ should have inserted itself into because of our experience. This is something I wasn't able to achieve. There was a lot of resistance within my Ministry about me getting to Palestine, it was very much about the intention and the relationship.

E: Do you think, right now, NZ should take a stronger stand on what is happening in Palestine?

I do. I think the punishment against Palestinians with the majority of lives lost being women's and children's is reprehensible. You can't qualify it by any measure. But the measure we should be all concerned about is the measure of basic human rights. And if there is tacit and complicit consent of Israel's action then I think we are letting ourselves down as an international community and NZ should not stand for that. That view, I hold, because that is disproportionate. New Zealand today, designated Hamas as a terrorist organisation but it could still do more. We could put more pressure onto the UK and the US around its role and complicit Israel actions. If you look around the world, the international civil society and

democracy have said it is not right, and we should not be condoning this. This is not the mark of a decent democracy, this can't be qualified at any level. We could do more to lean onto the ICJ that South Africa has put. We took quite a strong stand on Rwanda and the investigation around the genocide that occurred there. So we should do the same, be consistent and do the same.

E: I think that's about all of my questions. It was very, very interesting and I can't think of any other. Is there anything you'd like to add after our discussion?

Nanaia Mahuta:

No, but we might be able to have another. I think it's always good to kind of have this first question instead of, you know, a little conversation. And then as things settle for you when you're writing up, I'll create the opportunity for you to give me another call in the future.

E: Thank you very much. That's very nice. Thank you very much. I think it's going to be very useful.

Nanaia Mahuta:

So once things start to percolate and settle for you as you're writing things out later on down the track, you might want to contact me again and I'd be happy to talk to you again.

E: Thank you very much. Thank you very much. One last logistical question. Are you happy with me citing your name in my thesis?

Nanaia Mahuta: Yes.

E: OK, perfect. All right. Well, thank you very much for agreeing to talk to me today. Have a nice evening and I will let you know when I'm further ahead in my research then.

Nanaia Mahuta: All the best, Emma. And if I could ask when you submit, if you can remember me to send me a digital copy, I'd love to.

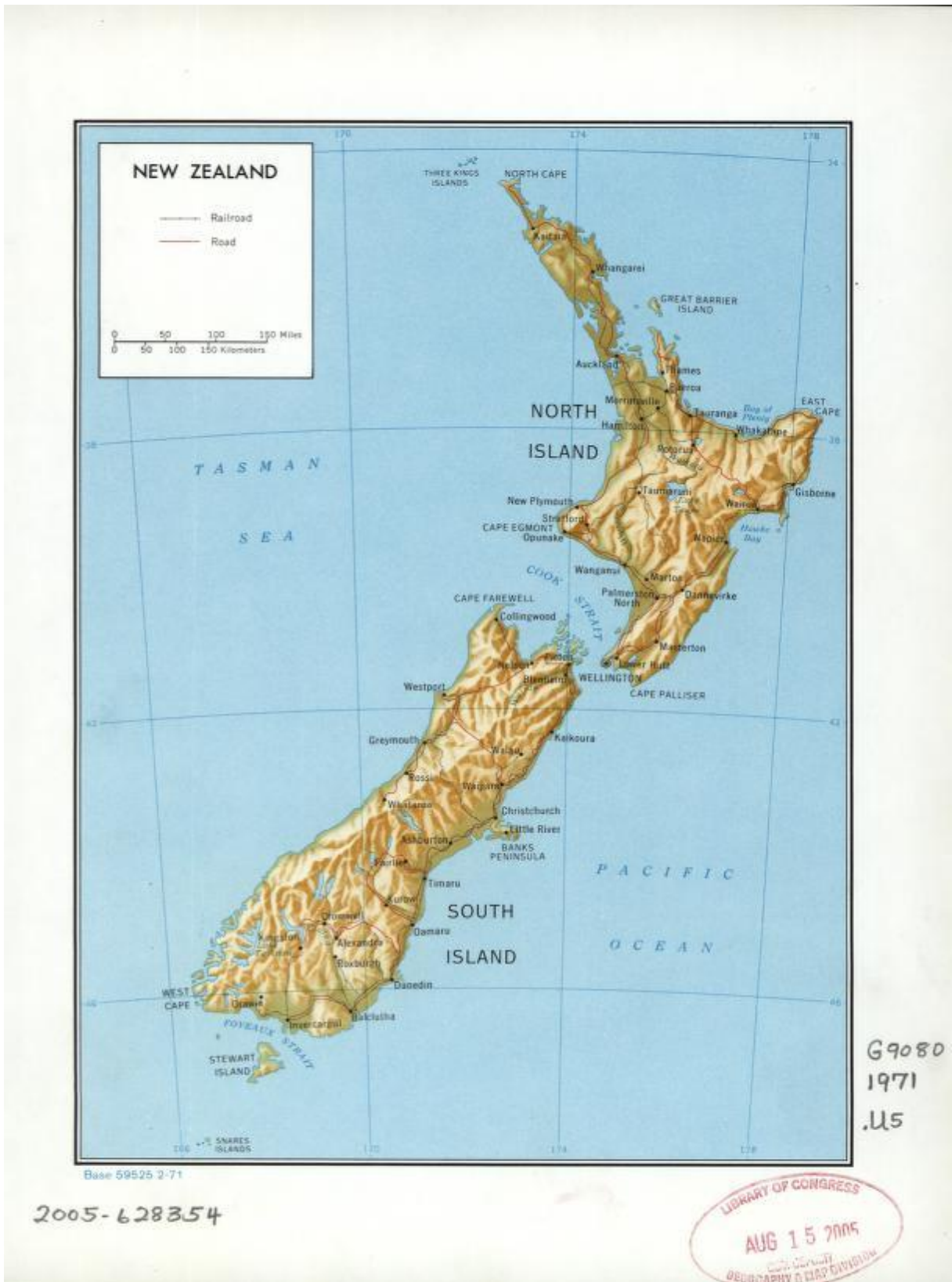
E: I absolutely will. I absolutely will.

Nanaia Mahuta:

Thank you. Take care.

E: OK, thank you very much. Kia ora. Have a nice evening.

APPENDIX D: New Zealand Map



New Zealand Map - relief by shading and main locations, Washington, D.C. : Central Intelligence Agency, 1971. Available on the Library of Congress

APPENDIX E: Waitangi Sheet of Te Tiriti o Waitangi

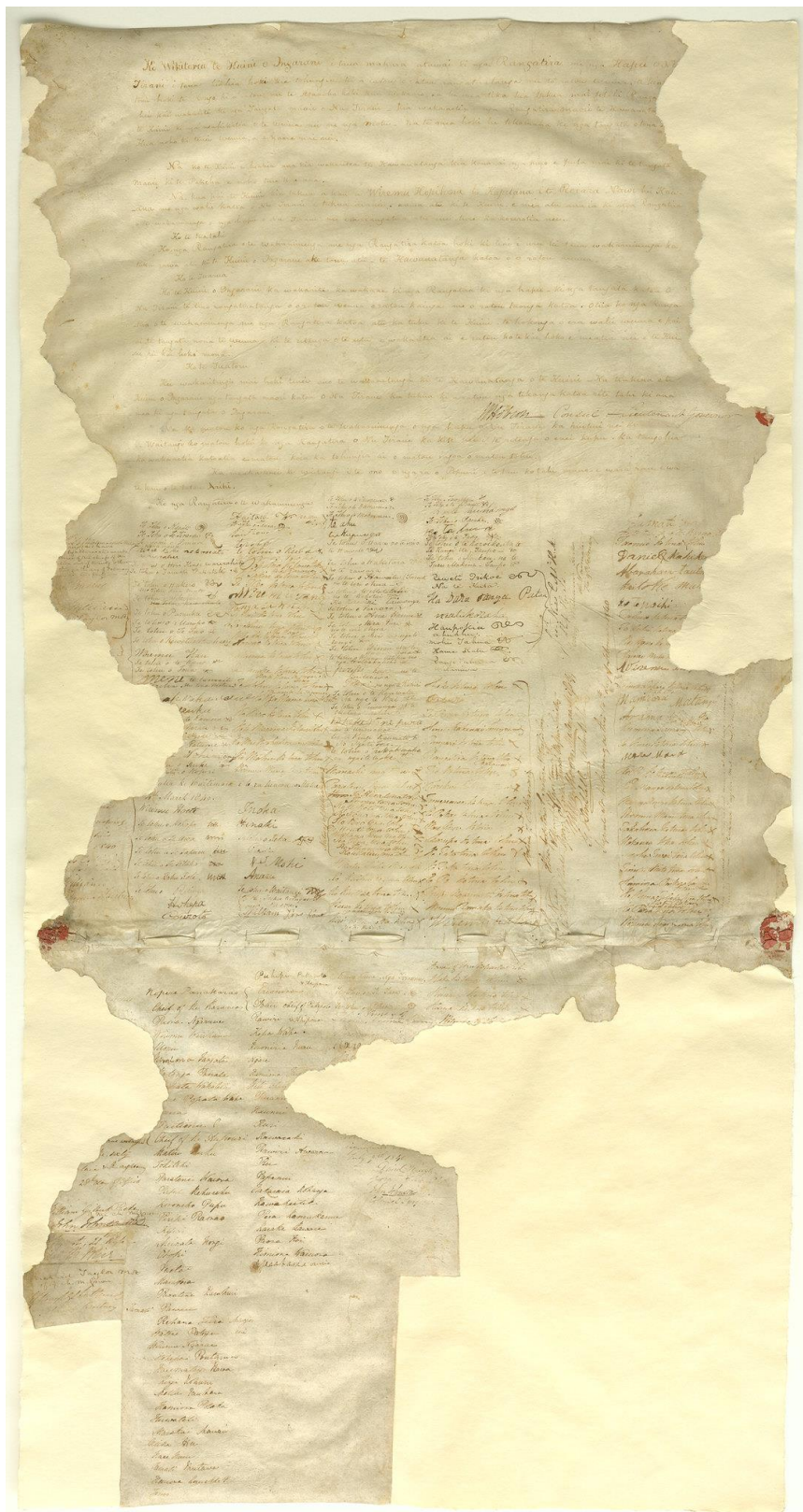


Figure 2 the Waitangi Sheet of Te Tiriti o Waitangi, signed on 6 February 1840 by approximately 42 to 45 rangatira, including at least 18 women. Digital copy from the original document, displayed in the National Library in Wellington, New Zealand.

APPENDIX F: GDP Growth in the Pacific

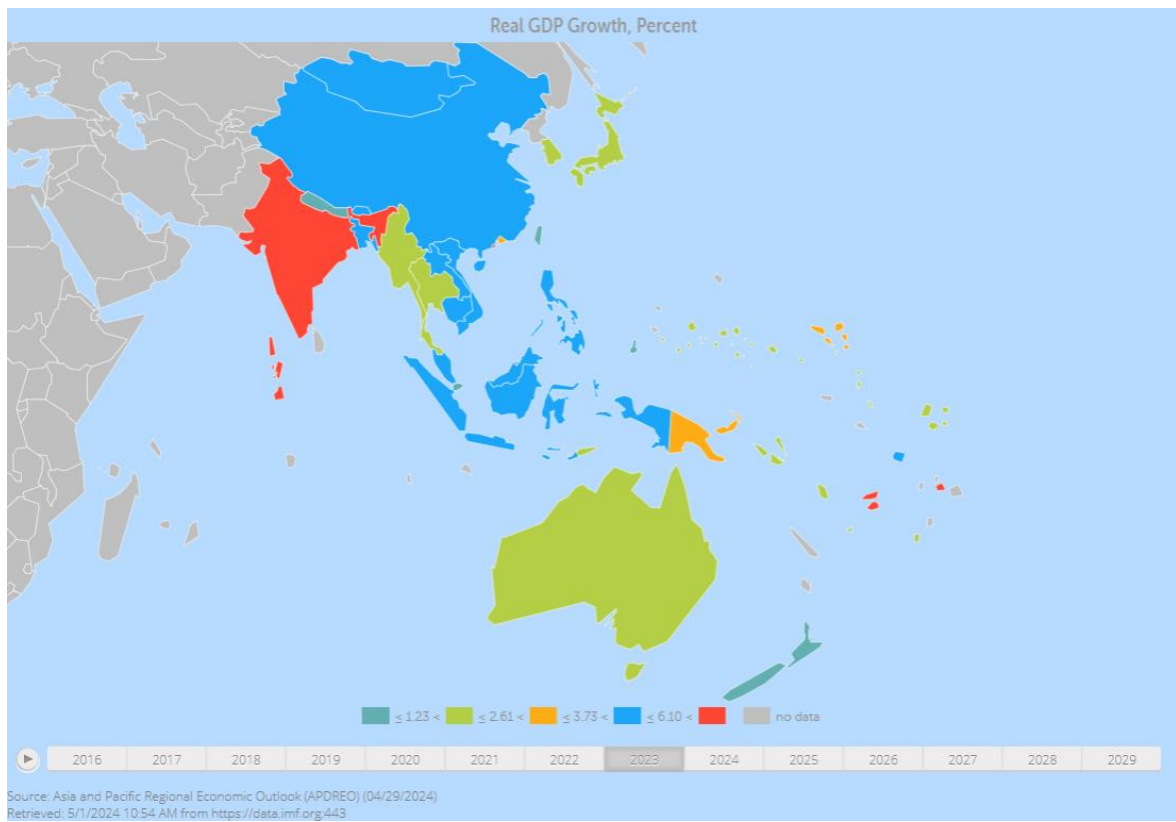


Figure 3: Real GDP Growth of the Asia Pacific Region, in Percent (Source: Asia and Pacific Regional Economic Outlook, accessed on 29 April 2024)