

BEFORE THE WAITANGI TRIBUNAL

WAI 2700
WAI 2872

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

the Mana Wāhine Kaupapa Inquiry (WAI 2700)

AND

IN THE MATTER OF

a claim by **Dr Leonie Pihama, Angeline Greensill, Mereana Pitman, Hilda Halkyard-Harawira and Te Ringahuia Hata (WAI 2872)**

BRIEF OF EVIDENCE OF CARRIE STODDART-SMITHDated on this 28th day of November 2025

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Waitangi Tribunal

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TĒNĀ E TE TARAIPUNARA:

Introduction

1. Ko Carrie Stoddart-Smith tōku ingoa. I submit this brief of evidence in support of the Wai 2700 Mana Wāhine Kaupapa Inquiry and its Rangatiratanga Pou. This is the first time any descendant of my late grandparents has submitted any evidence to the Waitangi Tribunal. That fact is significant for me and my whānau.
2. I submit this evidence as a wahine Māori, a mother, a sister, a daughter and a granddaughter. My whakapapa, my whānau, and my lived experience form the foundation of this brief. I hold deep concern for the wellbeing, dignity, and future of my people, particularly wāhine Māori whose exclusion spans generations.
3. My evidence draws on my personal experiences, my academic background and professional roles in Māori trade and policy, and on the intergenerational impacts of colonisation, gendered exclusion, and erasure.
4. My purpose in giving this evidence is to describe systemic failures in Crown processes and to explain how patterns of exclusion have undermined whakapapa-based governance, the dignity of wāhine Māori, and the ability of our mokopuna to inherit a just constitutional order.
5. In my view, justice for wāhine Māori and their mokopuna is a constitutional requirement grounded in He Whakaputanga o te Rangatiratanga o Nu Tirenī (1835) (“**He Whakaputanga**”) and Te Tiriti o Waitangi (1840) “**Te Tiriti**”). That justice cannot be realised without structural and systemic change to Crown processes, decision-making, and international agreement-making.

Whakapapa

6. Through my mother, Turuhira Hilary Tahere, my whakapapa ties me to Taitokerau. She was born and raised in Te Kōpuru. The waka of my ancestors that carried our people to these shores and anchor our presence here are Ngātokimatawhaorua, Māmari, Mamaru, and Mātaatua. Our marae Ōtūrei, Te Iringa, Taita, and Te Tii stand as living sentinels of our belonging and connection to our whenua. From the recorded lines of my tūpuna, I gather my hapū of Ngāti Tautahi, Ngāti Rēhia, Whānau Pani, Ngāti Toki, and Ngāti Torehina. I carry the bloodlines of Ngāpuhi, Ngāti Whātua, Te Rarawa, Te Uri o Hau, and Ngāti Kahu ki Whangaroa.
7. My Nanny, Horitina Netana-Tareha of Marōpiu, descended from Hori Tareha of Takou, whose parents were Tareha Te Kōwhai and Matire Heu; and from

Waengehe Ngutahi Patuawa-Netana of Marōpiu, daughter of Hipiriona Patuawa Netana and Ere Ngarui Te Roa.

8. My Nanny Pop, Pere Hoterene Tahere, descended from Hoterene Tahere of Kaikohe, whose parents were Hami Te Atawhai Tahere and Te Kiri Mangu; and from Raiha Tia Hohua of Maungakāhia, daughter of Tia Hohua Te Awa and Ketu Petuere.
9. I present this pepeha as evidence of my identity, belonging, and connection to Taitokerau, and as the foundation of my standing in this inquiry.

Positionality

10. I was born and raised in Timaru. After my parents separated in the mid-1980s, I spent periods living with both my mother and my father, and during my adolescent years my mother eventually moved away from us. Across these changes, my Pākehā grandma and aunty, were a constant presence and played a significant role in my upbringing, regardless of which parent I was living with at the time. For me, that support created the break in the cycle of violence and instability that had adversely affected our whānau life. However, the cost of that safety net was disconnection within our whānau including from my younger siblings and from our reo, tikanga, and cultural grounding. From my experience and conversations with others, I understand that this trajectory is not uncommon for wāhine Māori whose early lives unfolded in te ao Pākehā for reasons specific to their circumstances, and who later found, or are yet to find, their way home to te ao Māori. These experiences shape the lens through which I understand Crown processes and the position of wāhine Māori within them.
11. My reconnection to te ao Māori began in my early twenties following the birth of my first son Noah, and later through Te Rākau Ture, at the University of Auckland Law School, alongside my work in the Coroner's Office. In those spaces, I was guided and supported by wāhine and tāne Māori who helped me surface and reclaim parts of myself that had been dormant.
12. I am currently a doctoral candidate at the University of Waikato Management School under the stewardship of two wāhine Māori, Professor Chellie Spiller and Professor Sandy Morrison where I am researching the perceptions and experiences of wāhine Māori in advisory roles within trade contexts framed as inclusive. Prior to this, I earned a conjoint Bachelor of Laws and Bachelor of Arts at the University of Auckland and a Post Graduate Certificate in Māori and Indigenous Leadership, and a Master of Laws in International Law and Politics (ILAP) (First Class Honours) from the University of Canterbury.

13. My evidence draws on my lived experience, professional work, academic contributions, and involvement in Māori-Crown advisory processes. *I do not rely on findings from my PhD research, as it is ongoing and it would be inappropriate to present provisional or incomplete results as evidence.*
14. In my professional capacity, I have held roles across Indigenous trade and economic policy, diplomacy, governance, and global advocacy, including serving as:
 - 14.1 Founder of OpinioNative Aotearoa Limited
 - 14.2 Board member of Te Taumata
 - 14.3 Pūkenga/Technical Advisor to Ngā Toki Whakarururanga
 - 14.4 Member of the Ministerial Strategic Advisory Group on Trade
 - 14.5 Māori Advisor to APEC Business Advisory Council
 - 14.6 Project Lead for Te Aratini at Expo 2020 Dubai and Expo 2025 Osaka
 - 14.7 Senior Policy Analyst and various roles at Te Puni Kōkiri
 - 14.8 Founding Board Member of the Global Centre of Indigenomics
 - 14.9 Member of the World Economic Forum Indigenous Steering Group
 - 14.10 Board member of Amnesty International Aotearoa New Zealand
15. I have also contributed to academic and policy literature on Indigenous trade, co-authored several international papers and chapters, presented at numerous forums including the World Bank, the World Trade Organisation, the OECD and various APEC workshops, and produced work on systemic barriers in Māori engagement with the Crown. A list of relevant publications is attached as **Appendix A**.
16. These roles and experiences taught me a great deal about the breadth of Māori engagement in international relations and trade. At the same time, they revealed a familiar pattern, specifically, that wāhine Māori are too often sidelined or excluded in Crown processes where our knowledge, expertise and experiences should be central.
17. My lived experience is therefore both personal and systemic. The exclusions I have navigated in Māori and Pākehā spheres reflect the dual marginalisation that shapes the realities of many wāhine Māori and informs the evidence I give in this brief.

Scope of Evidence

18. The presiding officer Her Honour Judge Sarah Reeves has asked:
2. What are the Crown's duties and obligations under te Tiriti/the Treaty in relation to the ability of wāhine Māori to participate in and hold leadership and decision-making roles at the local, regional, and central government levels? Including:
- (i) in the development and implementation of legislation, policies, and international agreements – including in treaty settlement policies and processes?*
19. My evidence addresses this question in the context of international trade agreements, with a particular focus on the processes by which wāhine Māori are identified, engaged, and supported to contribute their knowledge, expertise, perspectives, and experiences. I examine how wāhine Māori are (or are not) included in mandate-setting, negotiations, domestic implementation, and the ongoing activities associated with trade agreements, including trade missions and participation in international forums. These are the spaces where a distinctly wāhine Māori perspective on rights, responsibilities, and aspirations should be expressed, yet where their participation is often constrained by structural barriers and Crown-designed processes.
20. The starting point for my evidence is the constitutional status of He Whakaputanga and Te Tiriti, and the obligations these foundational documents impose on the Crown in its international engagements and treaty-making activities. Together, these instruments affirm the enduring rights and responsibilities of Māori as tangata whenua, including our authority to participate as partners in decisions that affect our lands, resources, relationships, and futures both domestically and internationally.
21. For detailed constitutional analysis, I adopt the Brief of Evidence provided by Dr Jane Kelsey and the recent paper she prepared for Ngā Toki Whakarururanga on *Mana and Treaty-making*, which build on the significant earlier work of Dr Moana Jackson.¹ In my view, this body of scholarship provides the essential framing for understanding why Māori, and wāhine Māori in particular, must hold substantive roles in contemporary treaty-making processes.
22. I also acknowledge that the detailed whakapapa, kōrero tuku iho, and mātauranga relating to wāhine Māori authority have been carried, protected, and articulated by wāhine tohunga, scholars, and leaders whose expertise sits far deeper than my own contribution. The Tribunal has already received extensive evidence from

¹ Ngā Toki Whakarururanga, 'Mana & the Un-Ceded Right to Make Treaties Between Nations' (Working Paper, Ngā Toki Whakarururanga, August 2025). <https://ngatoki.nz/wp-content/uploads/2024/04/1.-Moana-Jackson-and-Right-to-Treat-4.pdf>

those who hold this mātauranga, including the foundational work of Ani Mikaere, Linda Tuhiwai Smith, Leonie Pihama, Ella Henry, Jessica Hutchings and many others who have long led the reclamation, elevation, and reassertion of mana wāhine. I do not seek to restate what they have already set out with clarity, rigour, and authority. My evidence should therefore be read as supporting, consistent with, and situated within that wider body of wāhine Māori scholarship and testimony.

Wāhine rangatiratanga and Crown induced distortion

23. Māori rangatira, including my tūpuna Tareha, signed *He Whakaputanga* on 28 October 1835. Those same chiefly lines, which included at least thirteen wāhine rangatira, then signed Te Tiriti on 6 February 1840.² According to Dr Ani Mikaere, several hapū/iwi refused to sign when wāhine were denied the ability (by the Crown) to do so on behalf of their people.³ In 1840 Māori had lived on this whenua for at least twenty-five generations. Throughout that whole period, wāhine Māori were recognised leaders, navigators, tohunga and political authorities whose expertise guided our ancestral waka across vast oceanic routes, undertook the required rituals on board, and shaped the establishment of new communities across the motu.⁴ Our tupuna whaea held recognised political, spiritual, and diplomatic authority, exercised alongside tāne and their authority was a central facet of te ao Māori before colonisation.
24. During a recent kōrero with Dr Ella Henry with whom I have shared whakapapa at Waimahana Bay, she conveyed that her generation, which is the same as my mother's, sits only five generations from the signing of *Te Tiriti*. She explained that it took only two generations following 1840 for colonial systems to undermine the authority of wāhine Māori as Crown policies introduced patriarchal norms and gendered violence that rapidly disrupted structures that had upheld wāhine rangatiratanga mai rano.
25. When the timeline is viewed as a whole, the scale of distortion is clear. Wāhine Māori upheld their rangatiratanga in Aotearoa for approximately twenty-five to twenty-seven generations before colonial disruption fully took hold. For most of the time Māori have lived on this whenua, wāhine leadership, political authority, ritual expertise, and social influence have been recognised and practised. In

² Ripeka Evans, Brief of Evidence (A21) in WAI 2700 (Waitangi Tribunal, 2021) at 17.

³ Ani Mikaere, *The Balance Destroyed*, (Te Tākupu, Te Wananga o Raukawa, 2017)

⁴ Rachel Maunganui Wolfgramm et al, *Mana Wāhine Māori i Ngā Wā ō Mua: The impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c.1840-1950* (Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700), October 2024) at 61.

contrast, only three to five generations have lived under the systematic suppression of those roles in Crown-facing institutions. The period in which wāhine authority has been distorted is comparatively short in historical terms and is overwhelmingly a product of colonisation and Crown-introduced patriarchal norms.

26. This comparison is significant. It demonstrates that the diminished status of wāhine Māori is not a traditional or cultural feature of Māori society. It is the result of Crown intervention, Crown-imposed gender hierarchies, and Crown failure to recognise the political and spiritual authority of wāhine Māori.⁵ The much longer period of acknowledged rangatiratanga provides evidence that the suppression of wāhine authority is neither natural nor inevitable. In my view, this suppression is a breach of Te Tiriti that continues to affect wāhine Māori, Māori communities, and the intergenerational transmission of wāhine rangatiratanga today.

Cosmology informs international interfacing roles of wāhine

27. Māori cosmology provides longstanding evidence that wāhine have always undertaken roles that involve navigating boundaries, mediating relationships, and maintaining balance across domains.⁶ Pūrākau consistently record atua wāhine operating at the interfaces between spiritual and physical realms. For example, Hineteiwaiwa and Hinenuitepō actively negotiate balance between light and dark or life and death. Their roles maintain order, resolve tensions, oversee thresholds, and ensure continuity. These are among the examples that demonstrate wāhine operating in capacities that today might be described as political, diplomatic, or inter-relational governance. Such pūrākau constitute whakapapa-based evidence of established tikanga in which wāhine exercised authority across spheres, relationships, and realms.⁷ Wāhine scholars including Dr Ani Mikaere, Professor Linda Tuhiwai Smith, and Dr Ngahuia Murphy, affirm that these narratives record inherited patterns of authority and relational stewardship within Māori systems.
28. This cosmological evidence aligns with archaeological, oral, and early written accounts of wāhine leadership prior to 1840, and it helps explain why wāhine

⁵ For example, Ripeka Evans, Brief of Evidence (A021) in WAI 2700 (Waitangi Tribunal, 2021) at 35: “A specific example of this is that in 1840 the daughter of the Ngāti Toa chief, Te Pehi, was not permitted to sign Te Tiriti because she was a woman. This restriction was imposed by colonial officials who did not recognise that women of rank represented the mana of their people. This was an early indication that relations between Māori women and the colonial state would be problematic”.

⁶ Ngahuia Murphy, Brief of Evidence (A067) in WAI 2700 (Waitangi Tribunal, 2021) at 14-15.

⁷ Leonie Pihama, Brief of Evidence (A019) in WAI 2700 (Waitangi Tribunal, 2021) at 8-12.

rangatira participated in intertribal diplomacy, international trade, strategic alliance-building, and treaty-making.⁸ Wāhine participation was not exceptional, rather, it was the expected continuation of longstanding responsibilities grounded in whakapapa and tikanga.

29. I refer here to the evidence presented to the Tribunal by Te Ringahuaia Hata, which upholds tikanga understandings of whakapapa as a dynamic and expansive system not confined to our arrival in Aotearoa.⁹ As she states, whakapapa originates from Papatūānuku and connects Māori to our spiritual deities, to one another, to past and future generations, and to the world around us.¹⁰ Hata's statement directly connects the foundational role of wāhine in whakapapa to cosmological precedent, reinforcing the legitimacy of wāhine authority and relational governance in Māori society.
30. Dr Ani Mikaere further reinforces this point, emphasising that one of the most obvious characteristics of whakapapa is that it necessarily encompasses both female and male: 'Kotahi anō te tupuna o te tangata Māori, ko Ranginui e tū nei, ko Papatūānuku e takoto nei'.¹¹ Without both, whakapapa would not exist.¹² The shared and complementary authority of wāhine and tāne is therefore not simply cultural but is embedded as foundational within te ao Māori.
31. To clarify, Dean of AUT Law and Associate Professor Khylee Quince, in her lecture *Sistahs in Arms? Mana Wāhine and Feminism*, explains that te ao Māori did not operate under either patriarchal or matrilineal systems.¹³ The system was ambilineal, or non-gender-specific, meaning gender was not and has never been the determinant of status or political authority within tikanga Māori.¹⁴ This framework enabled wāhine to exercise political, diplomatic, and economic authority through relational and genealogically grounded means.
32. Within te ao Māori, political authority was exercised in ways that were relational, collective, and enacted by both wāhine and tāne. Our histories show that wāhine rangatira did not sit behind tāne leadership. They exercised complementary authority alongside it. This doctrine is further evidenced through examples provided in various Tribunal submissions and Māori jurisprudence.

⁸ Above n 4 at 61-121.

⁹ Te Ringahuaia Hata, Brief of Evidence (A031) in WAI 2700 (Waitangi Tribunal, 2021) at 19-22.

¹⁰ Above n 9.

¹¹ Ani Mikaere, Brief of Evidence (A017) in WAI 2700 (Waitangi Tribunal, 2021) at 6.

¹² Above n 11.

¹³ Khylee Quince, *Sistahs in Arms? Mana Wāhine and Feminism*. Law and Gender: Beyond Patriarchy Symposium. (2022) 6 NZWLJ 9.

¹⁴ Above n 13.

33. Keti Marsh-Solomon's evidence discusses her tupuna Turikātuku, Hongi Hika's senior wife, who was also his principal strategist, accompanying him on campaigns, tracking the balance of utu, and using her literacy in both te reo Māori and English, as well as her control over land and resources, to shape the terms of trade for Ngāpuhi.¹⁵ Likewise, her account of Hariata Rongo describes a wahine of formidable whakapapa and intellect whose role went well beyond that of a scribe.¹⁶ Questions raised by handwriting analysis about letters attributed to Hone Heke suggest she may have been the author of key correspondence, and her ability to move freely between opposing war parties to visit kin illustrates the high degree of mana she carried in her own right.¹⁷
34. The points summarised above are jurisprudential statements affirming that authority, including diplomatic authority, is rooted in cosmological origins shared by all Māori and is exercised through both wāhine and tāne. Bringing these points together, the exclusion of wāhine Māori from diplomatic, treaty-making, or political decision-making roles after 1840 cannot be considered consistent with Māori political or legal norms. Collective evidence from Māori scholars and the Waitangi Tribunal shows that these exclusions were the result of deliberate Crown intervention, introducing British patriarchal systems that redefined Māori gender relations to match British legal and political structures. This imposed a patrilineal preference, undermining tikanga that had provided collective authority and responsibility to both wāhine and tāne.
35. The Crown's assumption of exclusive control over international relations and treaty-making, relying on self-asserted prerogative powers, directly and discriminatorily impacted wāhine Māori.¹⁸ In my view, by excluding wāhine rangatira from the political and diplomatic roles they had historically fulfilled, the Crown failed to actively protect the mana, authority and decision-making roles of wāhine Māori that form part of their tino rangatiratanga and are integral to whānau and hapū governance structures. It imposed British patriarchal norms in place of Māori political systems that had recognised the complementary authority of wāhine and tāne, thereby denying wāhine Māori the equality embedded in their own constitutional arrangements. In doing so, the Crown did not act in good faith toward all rangatira who were party to Te Tiriti, including the wāhine signatories and those with customary diplomatic authority on behalf

¹⁵ Keti Marsh-Solomon, Brief of Evidence (A029) in WAI 2700 (Waitangi Tribunal, 2021) at 9(a)-(b).

¹⁶ Above n 15.

¹⁷ Ibid.

¹⁸ Above n 1 at 1 and 6.

of their hapū

36. In my view, this evidence highlights a dimension that has largely been absent from the Tribunal's record, namely, the specific impact of the Crown's actions on the mana, authority, and international-facing roles of wāhine Māori. Recognising these impacts requires an understanding that wāhine did not enter political or diplomatic domains only in the modern era. Crown actions displaced wāhine from roles that had, for generations, been grounded in cosmological precedent, affirmed through whakapapa, and exercised within tikanga Māori constituting a significant and ongoing breach of Te Tiriti.

International norms, wāhine Māori leadership, and Crown inconsistency

37. In consideration of the trajectory of these rights and responsibilities in the period following 1840, the imposition of Crown policies systematically undermined longstanding collective structures and leadership that had included wāhine Māori as central figures. This displacement invalidated the roles of wāhine in theory and initiated ongoing breaches that persist into the present. By tracing patterns from past exclusion to contemporary practice, we can identify specific instances where Crown actions and policy decisions continue to erode the mana, authority, and international-facing roles of wāhine Māori, with effects visible across Treaty breaches, policy frameworks, and institutional practice.
38. Given colonisation disrupted the balance between wāhine and tāne inherent in te ao Māori and British patriarchal norms became embedded within Crown processes these shifts were soon mirrored in many Māori institutions.¹⁹ The very existence of this inquiry is evidence of that shift.²⁰ Over time, tāne Māori were elevated as the preferred interlocutors for both the Crown and international actors. This change sidelined wāhine, despite their constitutional standing as signatories

¹⁹ See Mikaere, above n 3 at 118-120, for example, who shares historical accounts from the 1890s of Te Kotahitanga and later Māori institutions, which show that although wāhine could speak and represent their people, they were initially barred from voting or standing as members until advocates such as Meri Mangakāhia successfully petitioned for those rights in the 1890s. Ngā Komiti Wāhine were subsequently established nationwide, but their networks and influence declined with the demise of Te Kotahitanga. While the Māori Women's Welfare League became a popular and influential organisation from 1951, male-dominated bodies such as the New Zealand Māori Council later emerged as the Crown's preferred Māori interlocutors, signalling a shift toward Māori institutions that mirrored Crown patriarchal preferences.

²⁰ See Evans, above n 2 at 6-16: In August 1993, the Māori Women's Claim (later Wai 381) was filed with the Waitangi Tribunal after Dame Mira Szaszy, the only woman shortlisted for the inaugural Treaty of Waitangi Fisheries Commission, was removed from consideration. Her exclusion generated widespread concern across Tai Tokerau, the Māori Women's Welfare League, wider Māori communities, Pākehā organisations and the Crown, and Wai 381 later paved the way for the Mana Wāhine Kaupapa Inquiry comprising more than 160 allied claims.

and leaders, and entrenched gendered patterns of exclusion that are still visible today.

39. This exclusion has continued across successive governments. Māori have had limited opportunities to influence mandate-setting, negotiations, drafting and final review of international agreements, as well as implementation and review processes. Within this broader exclusion, wāhine Māori experience an additional layer of marginalisation because Crown processes continue to default to tāne as the authoritative Māori voice. This practice contradicts both history and tikanga.
40. A clear example of wāhine Māori exercising diplomatic influence at an international level can be seen in Aotearoa's participation in the 1992 United Nations Conference on Environment and Development (UNCED).²¹ The late Te Arikinui Te Atairangikaahu, as patron of the National Māori Congress, engaged strategically in both the UNCED preparatory committee in New York and the Rio Earth Summit to secure recognition of Māori as Tiriti partners within the official New Zealand delegation.²² Records of the National Māori Congress commend this achievement.²³ The UN Credentials Committee accredited Māori representatives as full members of the delegation, and Te Arikinui received the UNCED gold medallion, a distinction commonly associated with heads of state.²⁴ This recognition, over 150 years after the signing of Te Tiriti, signalled international acknowledgement of Māori authority, diplomatic capability, and the proper status of Māori as Tiriti partners in Aotearoa New Zealand's external relations.
41. Another significant example of Māori international agreement-making led from Aotearoa is the Mātaatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples (1993).²⁵ In recognition of 1993 as the UN International Year of the World's Indigenous Peoples, the Nine Tribes of Mātaatua convened the First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples in Whakatāne from 12–18 June 1993. More than 150

²¹ Taiaroa, A. "United Nations Commission on Human Rights: Sub-Commission on Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Persons, Tenth Session, Agenda Item 5: Review of Developments" (statement presented at Geneva, 29 July 1992) Deputy Convenor, National Māori Congress.

<https://cendoc.docip.org/collect/cendocdo/index/assoc/HASH01f0/805c0274.dir/200213.pdf>

²² Above n 21.

²³ Ibid.

²⁴ Ibid.

²⁵ The Mātaatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples (adopted at the First International Conference on the Cultural & Intellectual Property Rights of Indigenous Peoples, Whakatane, Aotearoa New Zealand, 12–18 June 1993; endorsed by the United Nations Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities Working Group on Indigenous Populations, Geneva, 19–30 July 1993, June 1993). Online at: <https://ngaaho.maori.nz/cms/resources/mataatua.pdf>

delegates from numerous countries attended, including Indigenous representatives from Ainu (Japan), Australia, the Cook Islands, Fiji, India, Panama, Peru, the Philippines, Surinam, the United States and Aotearoa.

42. The conference adopted the Mātaatua Declaration, an Indigenous-drafted international instrument that affirms Indigenous Peoples' right to self-determination, recognises Indigenous Peoples as the exclusive owners of their cultural and intellectual property, states that the first beneficiaries of Indigenous knowledge must be the direct Indigenous descendants of that knowledge, and calls for new cultural and intellectual property regimes to be developed in full cooperation with Indigenous Peoples.²⁶ The Declaration also makes recommendations to states, international agencies and the UN.²⁷ It is an early and clear articulation of Indigenous Peoples' collective cultural and intellectual property rights at a global level, grounded in Indigenous law and experience rather than in state-drafted frameworks.
43. Wāhine Māori leadership was central to the design and advocacy of the Mātaatua Declaration. Māori international relations expert, Aroha Te Pareake Mead, then Foreign Policy Convenor for the National Māori Congress, played a key role in convening the conference, drafting the Declaration, and advancing its principles in international forums on intellectual property and traditional cultural expressions.
44. In an interview I conducted with Mead for a chapter I co-authored with Dr Jason Mika exploring thirty years of Māori engagement in trade (forthcoming), Mead explained that her involvement in international affairs arose through the Ngāti Awa claim.²⁸ Her father, as chair of Te Rūnanga o Ngāti Awa, with the support of the rūnanga, sent her to Geneva in 1986 to attend the UN Working Group on Indigenous Populations, which had begun meeting in 1984, to give notice that Ngāti Awa intended to lodge a claim with the Waitangi Tribunal. One aspect of that claim concerned the repatriation of the Mataatua whareniui. Mead stated that, at that time, the Working Group had been tasked with drafting what would become the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), and that its practice was to convert statements made by Indigenous

²⁶ Above n 25, Preamble.

²⁷ Above n 25, at 2.

²⁸ Aroha Te Pareake Mead, Interview Transcript, (October 2024) for C. Stoddart-Smith & J.P. Mika (n.d.) "Te Pae Tawhiti: Thirty Years of Māori Trade Engagement" in S. Kelly, H. McDougall & M. Doidge (eds.) *Against the Tide: Aotearoa New Zealand in World Affairs Vol. V* (VUW: Wellington). – *Forthcoming*.

delegates about issues affecting their peoples into draft articles. When she raised the repatriation of Mātaatua, intellectual property rights had not yet been treated as part of the declaration. Her intervention introduced that kaupapa, resulting in articles being drafted that recognised intellectual property as an issue, even though the early treatment was superficial because most participants, including states and Indigenous delegates, were unfamiliar with the term and its implications.

45. Mead further explained that, on returning home, she urged Te Rūnanga o Ngāti Awa to host an international conference to explore what ‘intellectual property rights’ meant in relation to repatriation and Indigenous cultural heritage, given that at that point in time, few in Aotearoa or within the international system itself fully understood the implications of the intellectual property rights regime on Indigenous Peoples. After several years, the Rūnanga agreed. The Nine Tribes of Mātaatua collectively organised the conference, with each iwi taking responsibility for a different theme. Recommendations were developed from those kōrero and at the conclusion of the conference, a group was formed which drafted the Mātaatua Declaration overnight and presented it to the final session.
46. Following the conference, Mead and three kaumatua from Mātaatua travelled immediately to the next session of the UN Working Group to present the Declaration, alongside the Coordinating Organisation of Indigenous Peoples of the Amazon (COICA). They presented the Declaration in Spanish and English, workshopped it with the Indigenous caucus, opened it for signatures there, and then brought it home to Aotearoa, where it was further circulated for signatures through the National Māori Congress. In Mead’s account, this process, from Ngāti Awa’s decision to ‘serve notice’ internationally of their claim, through to the drafting and international promotion of the Mātaatua Declaration, demonstrated the duality of wāhine and tāne Māori taking initiative to define and advance Indigenous cultural and intellectual property rights on their own terms, rather than relying on state-led processes.
47. Mead also stated that her subsequent career has remained anchored in the kaupapa of the Mātaatua Declaration. She described the Treaty of Waitangi, UNDRIP, and the Mātaatua Declaration as her three primary points of reference and noted that, like UNDRIP itself, the journey of developing and sustaining these declarations is as important as the written outcome. Supporting and applying the Mātaatua Declaration, in her view, continually reaffirms the value and contributions of those who participated in its creation and keeps that legacy alive. In my view, this evidence underscores that wāhine Māori have not only contributed to, but have

actively shaped, the development of international norms in this area for several decades.

48. Many of the principles first articulated in the Mātaatua Declaration, including Indigenous control over traditional knowledge, collective ownership of cultural and intellectual property, and the requirement that Indigenous Peoples be the primary beneficiaries of any use of that knowledge, are now reflected in international instruments such as the UNDRIP, particularly Article 31, and in ongoing work within the UN system. Wāhine Māori were therefore advancing these norms in practice well before they were codified at the UN level.
49. Despite this leadership by wāhine Māori in shaping international norms, the Crown has not consistently translated these standards into its own practice in foreign affairs and trade. The *Indigenous Peoples Economic and Trade Cooperation Arrangement* (IPETCA) is, to date, the only trade-related instrument that gestures toward shared authority by establishing a Partnership Council comprising both Crown and Indigenous representatives.²⁹ Although New Zealand's Indigenous representation includes wāhine in co-leadership roles on the Māori side, this is not a structural requirement of the Partnership Council's terms of reference.³⁰ Nor is there any requirement for wāhine representation on the Crown side. In the absence of binding design features, gender-equitable participation depends on the attitudes of individual representatives as well as officials and ministers rather than on enforceable obligations. This leaves wāhine Māori vulnerable to being sidelined even within frameworks that purport to embody partnership.
50. At the same time, developments within the UN system have moved closer to the position long advanced by Indigenous leaders, including through UNCED and the Mātaatua Declaration. The UN General Assembly adopted UNDRIP, which affirms Indigenous Peoples' rights to self-determination (Article 3), to maintain and strengthen their own institutions while participating fully in the political, economic, social and cultural life of the state (Article 5), and to participate in decision-making through representatives chosen in accordance with their own procedures (Article 18). It also affirms Indigenous Peoples' rights to maintain, control, protect and develop their cultural heritage, traditional knowledge and cultural expressions (Article 31), and recognises the need for particular attention to the rights and needs of Indigenous women and children (Article 22). More

²⁹ Art 9, Indigenous Peoples Economic and Trade Cooperation Arrangement (2021).

³⁰ IPETCA Partnership Council, Terms of Reference (MFAT, 2023) online at <https://www.mfat.govt.nz/assets/Trade-General/Trade-policy/IPETCA-Partnership-Council-Terms-of-Reference.pdf>

recently, the Third Committee of the General Assembly, at its 80th session, has considered a draft resolution on the rights of Indigenous Peoples which, among other matters, emphasises the importance of Indigenous women's participation in decision-making and Indigenous governance, and proposes that the Commission on the Status of Women consider, in a future session, the issue of gender equality and the empowerment of Indigenous women and girls as a priority theme.³¹

51. In international practice, these developments reflect an emerging norm: that Indigenous Peoples, including Indigenous women, must participate directly and effectively in decision-making processes that affect them at the highest diplomatic levels. For Māori, this aligns with what tikanga, and cosmology have long required and with the roles wāhine rangatira historically exercised in diplomacy, treaty-making and international relationships.
52. In 2023, New Zealand's statement to the UN General Assembly's Third Committee explicitly recognised Māori as Indigenous Peoples, affirmed Te Tiriti as the founding document of Aotearoa New Zealand, linked Te Tiriti and UNDRIP, and highlighted the need for the full, effective and meaningful participation of Indigenous women in decision-making. That statement also made visible use of te reo Māori and Māori concepts in its greetings, framing and explanation of values (attached as **Appendix B**). By contrast, the 2025 statement to the Third Committee adopts a general human rights frame. It does not mention Māori, Indigenous Peoples, Te Tiriti or UNDRIP, and refers to 'women and girls' in broad terms rather than identifying Indigenous women as a distinct rights-holding group. In the same statement, the Crown identified its multilateral human rights priorities as the rights of persons with disabilities, advancing women's and girls' rights, abolishing the death penalty, combating discrimination against the LGBTQIA+ community, preventing torture and arbitrary detention, and safeguarding freedoms of religion, belief and expression, and did not identify Indigenous rights, Māori or wāhine Māori as specific areas of focus (attached as **Appendix C**). A similar pattern can be seen in New Zealand's 2025 statement to the Human Rights Council's Expert Mechanism on the Rights of Indigenous Peoples, which emphasises the contribution of the 'Māori economy' to GDP and outlines Crown-led strategies, but does not refer to Te Tiriti, UNDRIP, rangatiratanga or the specific position of wāhine Māori, and uses te reo Māori

³¹ United Nations General Assembly "Draft Resolution: Rights of Indigenous Peoples" A/C.3/80/L.17 (2025) . Online at: <https://docs.un.org/en/A/C.3/80/L.17>. For summary commentary see also: https://social.desa.un.org/issues/indigenous-peoples/news/third-committee-of-the-general-assembly-took-up-resolution-rights-of?fbclid=IwY2xjawOJyKpleHRuA2FlbQIxMABicmlkETFvTThJRFM3Tm4xNWR1ZGpjc3J0YwZhcHBfaWQOMjIyMDM5MTc4ODIwMDg5MgABHpZzIc92hkYfpQ0vbQqpAc2jIuPxaPHHh40DeCUJuQkLcEfvTycXRGN87Fuh_aem_VU0FJISVnQvdF7Xr1T6wgc

much more sparingly than earlier statements (attached as **Appendix D**).

53. Aotearoa New Zealand has formally endorsed these international standards and as the 2023 statement shows, has previously presented itself as a strong supporter of Indigenous rights, including the participation and empowerment of Indigenous women. In my view, the shift over a short period from explicit articulation of Māori as tangata whenua, Te Tiriti, UNDRIP and Indigenous women's participation, toward largely identity-neutral human rights language and an economic framing of Māori issues, is significant. The marked reduction in the use of te reo Māori and Māori concepts in more recent statements, compared with earlier speeches where they were prominent, reinforces this shift and, in my view, contributes to the relative invisibility of Māori and wāhine Māori within a more generic Western human rights framing. This regression sits uneasily with both the international norms New Zealand has endorsed and its Te Tiriti obligations to actively protect the rangatiratanga of wāhine Māori in international forums.
54. Against this backdrop, the Crown's recent practice in foreign affairs and trade reveals a pattern of fragile progress alongside ongoing resistance. Some momentum occurred under the leadership of former Minister of Foreign Affairs, Hon Nanaia Mahuta. Her tenure illustrated what wāhine Māori leadership could achieve within institutions that were never designed with them in mind. As Minister of Foreign Affairs, Mahuta openly challenged long-standing culture within the Ministry of Foreign Affairs and Trade (MFAT), stating that she did not want to 'just be ticking boxes' and that the Ministry felt challenged by working with 'a different personality and a woman also'.³² In her own words, she noted that the Ministry had long operated as an institution 'for men' and sought not only to shift this culture but also to reduce the Ministry's exclusive influence over the direction of foreign policy.³³ Some notable advancements during her tenure include the IPETCA, Māori Trade and Economic Cooperation Chapters and related provisions in free trade agreements, and increased visibility of wāhine Māori in governance and international representation. Her appointment to the Foreign Affairs portfolio was nonetheless met with surprise, derision, racism and sexism from political opponents and parts of the public. For example, commentator Olivia Pierson wrote disparagingly of Mahuta's moko kauae, describing it as incompatible with a 'polished' diplomatic appearance.³⁴ In my

³² Thomas Manch, Nanaia Mahuta's message to Winston Peters: 'Culture matters' (The Post, 2023) online at: <https://www.thepost.co.nz/politics/350126931/nanaia-mahutas-message-winston-peters-culture-matters>

³³ Above n 32.

³⁴ Zane Small, Foreign Minister Nanaia Mahuta accepts moko kauae 'will be something of a curiosity' as author Olivia Pierson faces backlash for labelling it 'uncivilised' (Stuff, 2020), online at <https://www.stuff.co.nz/politics/350549516/foreign-minister-nanaia-mahuta-accepts-moko->

view, such reactions are a direct consequence of narratives about wāhine Māori and leadership that the Crown has not effectively countered, despite its commitments under Te Tiriti and UNDRIP.

55. The shifts Mahuta sought to advance remain fragile under the current coalition government. Public commentary has described elements of the government's programme as seeking to narrow, rather than deepen, the Crown's engagement with Māori rights domestically and with Indigenous rights internationally.³⁵ Deputy Prime Minister, Hon David Seymour, wrote to Dr. Albert K. Barume, UN Special Rapporteur on the Rights of Indigenous Peoples, objecting to his correspondence with the New Zealand Government regarding the Treaty Principles Bill and other proposed legislation, including the Regulatory Standards Bill, a measure proposed and championed by Seymour.³⁶ In that letter, Seymour characterised the Special Rapporteur's intervention as presumptive, condescending and an affront to New Zealand's sovereignty.³⁷ The Prime Minister, Rt Hon Christopher Luxon, subsequently described the Special Rapporteur's letter as a 'waste of time' in media interviews.³⁸ Indigenous rights scholar Tina Ngata has noted that the Special Rapporteur's correspondence was made at the request of Māori leaders and was consistent with his mandate to monitor and report on the rights of Indigenous Peoples, and that Seymour's response disregarded the established role of UN human rights mechanisms.³⁹ Although the letter was later withdrawn after concerns were raised about the Minister overstepping his mandate, Seymour stated publicly that he did not

[kauae-will-be-something-of-a-curiosity-as-author-olivia-pierson-faces-backlash-for-labelling-it-uncivilised](https://www.theguardian.com/world/2020/nov/04/nz-website-withdraws-authors-works-after-she-criticises-maori-foreign-minister); Eleanor Ainge Roy, NZ website withdraws author's works after she criticises Māori foreign minister (The Guardian, 2020) online at <https://www.theguardian.com/world/2020/nov/04/nz-website-withdraws-authors-works-after-she-criticises-maori-foreign-minister>.

³⁵ Nina Hall & Rhieve Grey, New Zealand Abandons Indigenous Rights and Pacific Priorities in Foreign Policy (The Diplomat, 2023) online at: <https://thediplomat.com/2023/12/new-zealand-abandons-indigenous-rights-and-pacific-priorities-in-foreign-policy/>; Michelle Duff, A massive unravelling': fears for Māori rights as New Zealand government reviews Treaty (The Guardian, 2023) online at <https://www.theguardian.com/world/2023/dec/02/fears-for-maori-rights-as-new-zealand-government-reviews-waitangi-treaty>; Siena Yates, Margaret Mutu: The coalition agreements are a catalyst for Māori (e-tangata, 2023) online at <https://e-tangata.co.nz/comment-and-analysis/margaret-mutu-the-coalition-agreements-are-a-catalyst-for-maori/>.

³⁶ Seymour's response to UN 'quite alarming' – indigenous rights advocate (1News, 2025) online at <https://www.1news.co.nz/2025/08/16/seymours-response-to-un-quiete-alarming-indigenous-rights-advocate/>

³⁷ Above n 36.

³⁸ Mani Dunlop, David Seymour jumps the gun on UN response to RSB concerns (Te Ao News, 2025) online at <https://www.teaonews.co.nz/2025/07/15/david-seymour-jumps-the-gun-on-un-response-to-rsb-concerns/>

³⁹ Tina Ngata, David Seymour Takes His Embarrassing Arrogance International (Website, 2025) online at <https://tinangata.com/2025/07/13/david-seymour-takes-his-embarrassing-arrogance-international/>

consider he had done anything wrong.⁴⁰ In my view, this episode illustrates a lack of alignment between New Zealand's formal commitments to engage constructively with international human rights bodies on Indigenous issues and the way concerns about Te Tiriti are currently handled at the political level.

56. The coalition government has also introduced and proposed measures impacting diversity, equity and inclusion policies across parts of the public sector, in ways that are likely to adversely affect efforts to ensure fair participation and representation of wāhine Māori within public institutions.⁴¹ These steps sit uneasily alongside New Zealand's support for UNDRIP and its participation in UN processes that emphasise Indigenous women's participation in governance and decision-making. They risk further marginalising wāhine Māori within public institutions and reducing the space for Māori and mana wāhine perspectives to shape Aotearoa New Zealand's international engagements, at a time when the international system is moving toward fuller recognition of Indigenous women's authority in political and diplomatic spheres. In my view, this inconsistency between wāhine Māori leadership at the international level, the international norms New Zealand has endorsed, and the Crown's domestic practice represents an ongoing breach of Te Tiriti and a failure to actively protect the tino rangatiratanga of wāhine Māori in the sphere of international relations and trade.

Crown trade engagement and wāhine Māori

57. In my experience, Crown-endorsed engagement structures in trade and foreign policy tend to reward compliance and sideline critique. Māori who affirm Crown framings, adopt official language, and avoid fundamental challenge are more likely to be invited into advisory roles, taskforces, and high-profile engagements. Those who question Crown assumptions, insist on structural change, or centre mana wāhine are more likely to be marginalised or excluded. For example, Ngā Toki Whakarururanga were the primary advocates for an independent Te Tiriti assessment of the NZ–UK Free Trade Agreement. Te Tiriti assessments are a function specified under clause 13.5 of their Mediation Agreement with the Crown. However, the Crown ultimately contracted a different tāne-led Māori entity, which officials described as 'a trusted voice'. In my view, this reflected a

⁴⁰ Craig McCulloch, UN letter fallout: 'Experience is important in this business', says Peters (RNZ, 2025) online at <https://www.rnz.co.nz/news/political/566976/un-letter-fallout-experience-is-important-in-this-business-says-peters>

⁴¹ Public Service Act changes ending long term planning, diversity and inclusion and pay equity (PSA, 2025) online at <https://www.psa.org.nz/news-media/public-service-act-changes-ending-long-term-planning-diversity-and-inclusion-and-pay-equity>; NCWNZ calls out the Coalition Government for its War on Women (National Council of Women of New Zealand, 2025) online at https://www.ncwnz.org.nz/coalition_government_war_on_women

preference for a more neutral tone over the more critical Tiriti-centred and mana wāhine stance advanced by Ngā Toki Whakarururanga.

58. These patterns are reinforced by the demographic profile of Crown-facing spaces. In my observations, trade and foreign policy remain heavily male dominated on the Crown side especially at senior official levels, and this imbalance often flows into the Māori representatives the Crown prefers to work with. Over time, tāne Māori have become the default interlocutors, even where wāhine Māori hold significant expertise. By way of example, following the signing of the NZ-UK Free Trade Agreement, the Crown convened a virtual hui on 11 April 2022, where Māori were invited to hear from then Parliamentary Undersecretary for Trade and Export Growth, Hon Rino Tirikatene and representatives engaged by MFAT during the FTA negotiation process concerning the purported benefits of the agreement for Māori business. The invitation email included the following text:

58.1 *Parliamentary Under-Secretary for Trade and Export Growth (Māori Trade), Rino Tirikatene, will deliver some opening remarks, followed by remarks by Treaty partner representative groups involved in the UK FTA process. This will be followed by a Question & Answer session for attendees.*

58.2 *This event provides an opportunity to discuss the NZ-UK FTA as it relates to a range of Māori interests, including market and goods access, the Māori Trade and Economic Cooperation chapter, and other elements across the FTA.*

59. The panel was made up entirely of tāne. When a wāhine attendee queried the absence of wāhine on the panel, the senior official hosting the session responded defensively, stating that one wāhine speaker had been approached but she was unavailable. In my view, this response framed wāhine expertise as exceptional and contingent, as if there were only a single suitable woman, and reinforced the idea that the default ‘experts’ in this space are tāne. She then suggested that further wāhine could have been contacted, given their work in the trade space, and particularly their contributions to the NZ-UK FTA. She further noted that the session had paid homage to the late Dr Moana Jackson, while at the same time the composition of the panel did not reflect the message he had long advanced about mana wāhine leadership. The host invited / effectively pressured her to make her contribution on the spot. She explained that she had not prepared to speak as a panellist because she had not been invited to do so. The tāne panellists then remarked that they too had not prepared any material but were nevertheless able to participate, minimising her valid concerns, belittling her expertise and

implying that her wish to be prepared was unreasonable. In my view, this incident illustrates how Crown-designed engagements can default to tāne-only representation and then place wāhine in the position of being asked to fill the gap without notice, support or respect, while treating their concerns as a personal failing or an individual grievance rather than a structural problem.

60. The Crown has also narrowed its formal engagement on trade to a small set of entities that it has itself selected and resourced.⁴² These entities carry significant responsibilities, and, in my experience, their members work hard in difficult circumstances. My concern is not with their existence or legitimacy, but with the Crown’s tendency to treat them as sufficient, stand-alone conduits for Māori perspectives on trade. No small group of entities can, on its own, reflect the full plurality of Māori interests or the breadth of mana wāhine perspectives especially when they operate under conditions of strict confidentiality.
61. In practice, the Crown relies primarily on four entities in this space: Te Taumata,⁴³ Ngā Toki Whakarururanga,⁴⁴ the Federation of Māori Authorities (FOMA),⁴⁵ and the National Iwi Chairs Forum (NICF).⁴⁶ Despite NICF’s whakapapa-based mandate through hapū and iwi-appointed chairs, it does not, to my knowledge, have a direct memorandum of understanding or formal engagement agreement with MFAT. Instead, MFAT’s formal arrangement is with Te Hurumanu, a Crown-Māori advisory group whose membership includes some current and former iwi chairs, but which is distinct from NICF as an institution. Of the four, only Ngā Toki Whakarururanga has a specific legal mandate in relation to trade policy through their Mediation Agreement with the Crown – an outcome related to WAI 2522, and is the only entity with an embedded practice for wāhine and tāne co-conveners. While wāhine hold

⁴² See “DCE Ben King noted the ceremony needs to be seen in the context of the Ministry’s commitment to broaden and deepen its relationships with Māori partners, including [Te Hurumanu](#), [Ngā Toki Whakarururanga \(external link\)](#), [Te Taumata \(external link\)](#) and the [National Iwi Chairs Forum \(external link\)](#)” - Federation of Māori Authorities (FOMA) and Manatū Aorere sign MOU (MFAT, 2023) online at <https://www.mfat.govt.nz/en/about-us/who-we-work-with/engagement-with-maori/foma-and-manatu-aorere-sign-mou>

⁴³ Memorandum of Understanding between Te Taumata and the Ministry of Foreign Affairs and Trade (MFAT, 2019) online at <https://www.mfat.govt.nz/assets/About-us-Corporate/Maori-engagement/MFAT-Te-Taumata-MOU.pdf>

⁴⁴ Mediation Agreement (Ngā Toki Whakarururanga, 2020) online at <https://ngatoki.nz/wp-content/uploads/2024/06/2b-final-mediation-agreement-signed.pdf>

⁴⁵ Memorandum of Understanding between the Federation of Māori Authorities and the New Zealand Ministry of Foreign Affairs and Trade (MFAT, 2023) online at <https://www.mfat.govt.nz/assets/About-us-Corporate/Maori-engagement/MFAT-FOMA-Memorandum-of-Understanding.pdf>

⁴⁶ Terms of Reference between Te Hurumanu and the Ministry of Foreign Affairs and Trade (MFAT, 2024) online at <https://www.mfat.govt.nz/assets/About-us-Corporate/Maori-engagement/MFAT-Te-Hurumanu-Terms-of-Reference.pdf>

leadership roles within some of the other entities, a significant proportion of all the Māori representatives who regularly participate in these Crown-facing trade forums have remained the same over an extended period. During APEC 2021, these entities with a few others formed a coordinated grouping referred to as Te Rangitūkupu, which went on to provide much of the Māori leadership that engaged as part of the IPETCA Partnership Council referred to above at para 49.⁴⁷ In my view, *Te Tiriti* requires the Crown to stretch its engagement net more widely, including during events such as APEC21 and not to rely primarily on a small set of bodies as a proxy for all Māori and for mana wāhine.

62. Furthermore, to my knowledge, none of these bodies is subject to a consistent, enforceable obligation to report back to the communities they are treated by the Crown as representing. Any reporting that does occur is largely at the discretion of the entity. Where report-backs are attempted, they are often, as noted above, constrained by confidentiality agreements imposed by the Crown, which restrict what can be shared and when. I am unable to provide detailed examples of these constraints without risking breach of those same obligations. In my view, that fact itself illustrates the problem, namely, that Crown-imposed confidentiality operates in practice to limit tikanga-based accountability and to prevent whānau, hapū and wider Māori constituencies from fully understanding or scrutinising what is being done in their name.
63. As a wāhine Māori who has participated in these processes, I have experienced the pressure of being privy to negotiation texts while being unable to report back in a meaningful way. In particular, where wāhine Māori have raised criticisms of draft texts that are not reflected in the final outcome, confidentiality settings can prevent us from explaining in detail what was opposed and how it was changed or ignored. Those who carry or support the Crown narrative are free to describe the outcome as a ‘win’ in general terms, while wāhine Māori who hold concerns cannot amplify those concerns with the same level of specificity without risking breach. That imbalance distorts how our communities receive and understand what has occurred in their name and directly undermines my ability, and the ability of other wāhine Māori, to uphold our responsibilities to our people. As I have outlined earlier in this brief, wāhine Māori have long carried roles grounded in mana atua as kaitiaki of relationships and navigating boundaries between

⁴⁷ Te Rangitūkupu between Te Taumata, Iwi Chairs Forum – Pou Tahua, Federation of Māori Authorities (FOMA), Māori Women’s Development Incorporation (MWDI), Whāriki Māori Network, Te Tira Whakangoi (T3W), Digital Council for Aotearoa, the representatives of the Ngā Toki Whakarururanga establishment process (together, the Māori entities) and New Zealand Ministry of Foreign Affairs and Trade <https://ngatoki.nz/wp-content/uploads/2023/11/te-rangitukupu.pdf>

realms. When Crown-imposed confidentiality prevents us from maintaining open lines of kōrero with our own whānau, hapū or iwi, it cuts directly across those tikanga-based responsibilities.

64. In this environment, many wāhine have also quietly expressed concern to me that they believe some representatives appear motivated by self-advancement, profile, or access to ministers and officials, rather than by robust, mandate-based accountability to their communities. In my experience, this perception is reinforced by the kinds of visibility that are prioritised. For instance, it is common to see a steady flow of photographs from the Crown of Māori representatives from these entities shaking hands with ministers, officials and ambassadors, and being profiled in official communications, while there is comparatively little visible engagement in Māori communities or accessible opportunities for those communities to input into, or reflect on, what is being done in their name. In my view, even if that is not the intention of those involved, the effect is to erode confidence that these processes are genuinely accountable to the wider Māori constituencies they are said to represent. While this dynamic is not limited to any one person or organisation, its effect is to privilege those who are comfortable within Crown norms and to marginalise those who insist on tikanga-based accountability, open critique, or mana wāhine-led approaches.
65. Because these engagement structures are funded and endorsed by the Crown, *Te Tiriti* obliges the Crown to address this distortion. It is not sufficient for the Crown to rely on a small group of familiar interlocutors and then treat questions about accountability as an internal Māori matter. Under the principles of partnership and active protection, the Crown must ensure that the mechanisms it creates and uses to hear Māori are themselves consistent with tikanga, support genuine mandate and report-back, and do not incentivise personal profile at the expense of collective Māori interests and mana wāhine.

Trade missions and international representation

66. These structural issues are particularly visible in the context of Prime Minister and Minister-led trade missions, where the rhetoric of inclusion often conceals exclusionary practices. Trade missions are commonly presented as opportunities for Māori business, leadership development, and international relationship-building. However, participation and representation practices reveal systemic biases that disadvantage wāhine Māori.
67. In my experience, participation in trade missions is often cherry-picked, with decision-makers selecting individuals and businesses based on internal networks,

Ministerial preferences, or alignment with pre-existing agendas. This approach lacks transparency, reinforces gatekeeping, and disproportionately limits access for wāhine Māori and emerging Māori businesses. Wāhine who are selected have remarked that Crown officials frequently assume they will perform cultural duties, such as karanga or waiata, regardless of whether this is in their skillset. Karanga and many waiata are not generic performances. They are forms of karakia and whakapapa in action, carrying tapu, transmitting kōrero tuku iho, and mediating the movement between tapu and noa. They require appropriate preparation, authority and context, and cannot be called for on demand to fill a programme. Treating karanga and waiata as incidental add-ons reflects a tendency to see wāhine Māori primarily as cultural support rather than as economic or strategic decision-makers in their own right. It also creates a further bias, that some wāhine feel they are selected for trade missions to ‘tick the gender and cultural box’ because they might fulfil these roles, rather than out of genuine recognition of their expertise, leadership and authority.

68. The strongest and most culturally grounded leadership on trade missions that I have observed, has occurred when wāhine Māori have been able to work collaboratively across their various agencies, and where the mission design has deliberately upheld the tikanga and complementary roles of wāhine and tāne. During my time at Te Puni Kōkiri, Māori trade missions led from within that agency generally reflected this balance more closely than other models I have seen, with the tone, protocols and internal decision-making more clearly grounded in Māori values and Te Tiriti-based expectations of partnership and representation. Wāhine Māori who have participated as officials or delegates on other Crown-led trade missions have told me that, by comparison, those missions have often given less attention to tikanga and to mana wāhine in their design and practice, despite the official offshore messaging that Māori culture underpins Aotearoa New Zealand’s unique value proposition. However, as I outlined above, even in the Te Puni Kōkiri-led missions many wāhine Māori observed that the same organisations were repeatedly invited, and that while cultural elements were better understood and practiced, the overall processes remained susceptible to Crown-designed limitations on who could participate. In practice, this Crown-designed pattern further entrenches existing hierarchies and limits opportunities for wāhine Māori in business whose expertise and track record are substantial, but whose exclusion from traditional Crown-facing networks restricts their visibility and access to these missions.

Reflexivity: my position in Crown systems

69. I acknowledge that I have benefitted from many of the processes and structures I now critique. As a wāhine Māori, participation in Crown engagement mechanisms, trade missions, and advisory roles has given me opportunities, visibility, and international experience that most wāhine Māori will never be offered. Those roles expanded my understanding of how trade and foreign policy are made and have contributed significantly to my expertise in this area. They also exposed me, repeatedly, to how gendered and racialised assumptions operate within those systems, namely, who is expected to perform cultural work, who is treated as an economic decision-maker, whose objections are recorded, and whose are minimised.
70. As I reflected on these experiences, and on the work of mana wāhine scholars who describe the ways colonisation has disrupted Māori gender relationships and normalised discrimination against wāhine Māori, I was forced to consider the position I occupied. I came to recognise that my presence in these spaces, even when kaupapa-driven, sometimes helped to create the appearance that wāhine Māori were included and listened to, while the underlying rules, culture and power structures remained largely unchanged. In other words, I could be both benefiting from access that other wāhine Māori were denied and simultaneously witnessing ongoing exclusion and discrimination against wāhine Māori within those same systems. That realisation was a turning point for me.
71. Since then, I have tried to apply a clearer set of tests to the spaces I occupy. In particular, who actually holds decision-making power, whether wāhine Māori are present in more than token numbers, whether our concerns are reflected in mandates and outcomes or confined to consultation briefs, and whether those who are invited into these processes are accountable back to our communities, or primarily upwards into the state.⁴⁸ In my view, having benefitted from Crown-designed systems as a wāhine Māori does not diminish my right to critique them. Rather, it increases my responsibility to do so on behalf of those who remain excluded. If I accept appointments, sit on advisory boards, or participate in trade missions, my first accountability is to my own people, especially to wāhine Māori whose experiences are not visible in those rooms. The evidence I provide to this Tribunal is offered in that spirit: to identify the specific ways in which current structures marginalise and discriminate against wāhine Māori in trade and treaty-making, and to support structural change grounded in He Whakaputanga, Te

⁴⁸ Carrie Stoddart-Smith, *Beyond Inclusion: Upholding integrity and carrying forward the voices of Indigenous women in trade* (YouTube, 2025) online at <https://youtu.be/XZ-PusmZpSw?si=w2zCuqgHuVsIwd-j>

Tiriti and mana wāhine, rather than in generic notions of ‘inclusion’.

Conclusion

72. Taken together, my evidence shows that the exclusion and marginalisation of wāhine Māori in foreign affairs, trade and treaty-making is not accidental or recent. It reflects a series of Crown decisions about how authority is structured and who is treated as an appropriate interlocutor. Over time, those decisions have displaced wāhine rangatira from roles their tīpuna whaea exercised, centralised control over international relations within Crown institutions, and created engagement structures that narrowly define who may speak for Māori and on what terms. The effect has been to constrain wāhine Māori from exercising the authority affirmed in He Whakaputanga and Te Tiriti and to limit how Māori interests are presented and advanced in international forums.
73. My experience across advisory roles, trade missions and Crown-facing forums is that current systems reproduce gendered hierarchies and tend to reward alignment with Crown framings over robust critique. Wāhine Māori are frequently treated as cultural support rather than as constitutional actors and economic or strategic decision-makers. Crown-imposed mandates, confidentiality settings and appointment practices restrict who is invited into these processes, what they see, what they can say to their own communities, and how their contributions are recorded. The Crown’s reliance on a small group of entities as proxies for Māori views, without consistent and enforceable obligations of report-back and mandate-checking, further entrenches these patterns and limits the visibility and influence of wāhine Māori.

74. In my view, Te Tiriti requires more than occasional wāhine Māori input or the inclusion of a small number of women in pre-existing Crown structures. It requires recognition of wāhine Māori as treaty-makers and constitutional actors in their own right; engagement architectures that are grounded in tikanga, including mana wāhine and complementary wāhine-tāne authority; and processes that enable wāhine Māori to participate safely, with adequate resourcing, and in ways that are accountable back to their whānau, hapū and communities, not only upwards into the state. It also requires that the Crown's domestic practice in foreign affairs and trade be consistent with the international norms it has endorsed, including UNDRIP and emerging standards on Indigenous women's participation in decision-making.

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Carrie Stoddart-Smith