

24 September 2026

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s9(2)(a)

OIA 31054,31099,31105  
& 31109

Tēnā koe s9(2)(a)

Thank you for your four requests for information under the Official Information Act 1982 (OIA). You requested:

*"OIA 31109 (UNDRIP)*

*1. All records relating to the decision to include the affirmation of the United Nations Declaration on the Rights of Indigenous Peoples in Article 13.2 of the India-New Zealand FTA, including:*

*(a) Who proposed the inclusion of UNDRIP — whether NZ or India;*

*(b) Who authorised the use of "affirm" rather than "note" (the verb used in the NZ-UK FTA and NZ-EU FTA);*

*(c) Whether ministerial approval was sought for the inclusion and the specific language;*

*(d) Whether the Cabinet direction to halt UNDRIP implementation was considered, and if so, how the decision to affirm UNDRIP in a binding treaty was reconciled with that direction.*

*2. All briefings, aide-mémoires, and correspondence provided to or exchanged with the following Ministers or their offices mentioning UNDRIP, Article 13.2, or Chapter 13 of the India FTA, from the commencement of negotiations (March 2025) to the date of the first reading (25 June 2026):*

*(a) The Minister of Trade (Todd McClay);*

*(b) The Minister responsible for the Treaty Negotiations Implementation Act / Associate Minister (David Seymour);*

*(c) The Minister of Foreign Affairs (Winston Peters);*

*(d) The Prime Minister's Office.*

*3. All records of the FTA negotiating mandate as it relates to Chapter 13, including whether the mandate authorised the affirmation of UNDRIP or specified the language to be used.*

*4. All records relating to the Minister's subsequent direction that UNDRIP is not to be referred to in future FTAs, including the date of that direction and whether it constitutes an acknowledgment that the India FTA inclusion was not authorised.*

*OIA 31099 (MoC and FTA horticulture)*

*Request 1 — MFAT's role in the MoC*

*All correspondence, briefings, meeting notes, and records of discussion within MFAT, or between MFAT and MPI, relating to the development and signing of the Memorandum of Cooperation on Horticulture between MPI and India's Ministry of Agriculture and Farmers' Welfare, signed on 12 March 2025. This includes any MFAT input into the MoC's drafting, any MFAT assessment of the MoC's implications for forthcoming FTA negotiations, and any MFAT advice to Ministers on the MoC.*

*Request 2 — How the MoC informed the FTA negotiating mandate*

*I am particularly interested in MFAT's records of how the MoC's commitments informed or constrained the FTA negotiating mandate for Chapter 14A. Specifically:*

*(a) All records of how the MoC's cooperation framework (Action Plans, Centres of Excellence, variety exchange) was incorporated into the FTA's Chapter 14A provisions;*

*(b) Any analysis of whether the MoC's commitment to exchange varieties "without any cost" (Paragraph 3(d)) pre-determined the FTA's approach to horticulture cooperation, including whether MFAT negotiators considered the MoC a baseline that could not be walked back;*

*(c) Any records of India referencing the MoC during FTA negotiations as evidence of New Zealand's prior commitment to horticulture cooperation;*

*(d) Any discussion of the timing of the MoC's signing (12 March 2025) relative to the formal launch of FTA negotiations (16 March 2025), including whether the timing was coordinated and whether MFAT assessed the impact on New Zealand's negotiating leverage;*

*(e) Any analysis of how the MoC's Paragraph 3(d) ("without any cost") interacted with the FTA's market access suspension mechanism (Annex 2B(9)) — specifically, whether MFAT assessed the risk that India could use Annex 2B(9) to enforce cultivar transfer commitments originating in the MoC.*

*Request 3 — Industry consultation prior to the FTA horticulture chapter*

*All records of consultation with Zespri International Limited, the Kiwifruit Breeding Centre, Plant & Food Research / BSI, New Zealand Apples and Pears Incorporated, and Prevar Limited regarding the FTA's Chapter 14A horticulture provisions, including:*

*(a) Whether these stakeholders were informed that the MoC's cooperation framework would be hardened into binding treaty obligations;*

*(b) Any industry submissions, concerns, or objections regarding the "without any cost" provision, the Action Plans, the Centres of Excellence, or the market access suspension mechanism;*

*(c) Any assessment by MFAT of the impact of Chapter 14A on PVR holders and Crown-owned germplasm.*

*Request 4 — "Without any cost" and IP protection interaction*

*All MFAT analysis and legal advice on:*

*(a) The interaction between the MoC's "without any cost" provision (Paragraph 3(d)) and India's Protection of Plant Varieties and Farmers' Rights Act 2001, specifically Section 39(1)(iv) which allows farmers to save, exchange, and sell seeds of protected varieties;*

*(b) The interaction between the MoC's IP clause (Paragraph 8: "in so far as it does not conflict with the laws of the respective Parties") and India's domestic PVR framework;*

*(c) Any assessment of whether the combined effect of "without any cost" and India's PPV&FR Act means that varieties transferred under the MoC or FTA Action Plans would be freely propagable and sellable by Indian farmers without restriction;*

*(d) Any assessment of this risk relative to New Zealand's existing IP losses (Pacific Rose in Chile, SunGold in China, Envy in China).*

*Request 5 — Annex 2B(9) enforcement of MoC-derived commitments*

*All MFAT analysis of how India's market access suspension power under Annex 2B(9) interacts with the cooperation commitments that originated in the MoC, including:*

*(a) Whether MFAT assessed the risk that India could invoke Annex 2B(9) to demand more extensive cultivar or germplasm transfer than currently contemplated under the Kiwifruit Action Plan;*

*(b) Whether MFAT assessed what would happen to cultivars and expertise already transferred if India subsequently suspended market access or the FTA terminated;*

*(c) Any analysis of the asymmetry between conditional market access (suspendable by India) and permanent IP/cultivar transfer (irreversible by New Zealand).*

*Request 6 — McClay media release figures*

*All MFAT records relating to the "\$600 million in mutual benefits over the next decade" and "up to \$1 billion in reciprocal horticultural benefits" cited in the Minister's Beehive media release of 17 March 2025, including whether MFAT provided or endorsed these figures and whether any modelling or analysis supports them.*

*(c) The key documents include any record of India referencing the MoC during FTA negotiations (Request 2(c));*

*(d) If these specific items are not among the "key documents" provided, I will treat them as unanswered and seek an Ombudsman review on those specific points.*

**OIA 31105 (INZBC)**

*1. All communications between any MFAT staff member or official, or the office of any Minister serviced by MFAT, and the India New Zealand Business Council (INZBC) — including its officers, board members, staff, or anyone writing on its behalf or from an @inzbc.org address — where the subject matter relates to India–New Zealand trade, the India–New Zealand Free Trade Agreement, or the horticulture Memorandum of Cooperation signed on 12 March 2025.*

*"Communications" includes emails, letters, meeting invitations, meeting notes or minutes, file notes, briefings, and messages on any messaging platform (including WhatsApp, Signal or similar), including on personal devices or non-government accounts where they relate to official business, consistent with the Ombudsman's guidance.*

*2. All internal MFAT records that refer to INZBC in connection with the subject matter in paragraph 1, including briefings, talking points, meeting preparation, records of decisions, and email threads discussing engagement with or input from INZBC.*

*3. Any INZBC report, submission, paper, or recommendation provided to or received by MFAT concerning the India–New Zealand trade relationship or the FTA — including any version of INZBC's "India Report" or equivalent — and any MFAT record discussing, assessing, or responding to it.*

*4. Any records concerning INZBC's involvement in, attendance at, or contribution to: Ministerial or Prime Ministerial delegations to India; the India–New Zealand Business Summit; FTA-related events; or the FTA signing programme.*

**OIA 31054 (social media)**

*1. All communications (including emails, text messages, WhatsApp / Signal / other messaging app correspondence, letters, briefings, file notes, meeting minutes, and diary entries) between staff of Office of the Prime Minister and any of the following parties, where the subject matter relates to the New Zealand–India Free Trade Agreement or to the promotion, amplification, or social media coverage of statements by the Prime Minister or the Minister for Trade and Investment regarding India or the FTA:*

*a. Social media influencers, content creators, or operators of social media accounts (including but not limited to accounts on X/Twitter, Facebook, Instagram, LinkedIn, YouTube, and WhatsApp);*

- b. Public relations, communications, marketing, or digital strategy firms or consultants;*
  - c. Media organisations, journalists, or media-buying agencies based in India or primarily serving Indian audiences;*
  - d. Diaspora organisations, community groups, or business councils with a focus on India–New Zealand relations;*
  - e. Officials, agencies, or representatives of the Government of India (including the Indian High Commission to New Zealand, the Ministry of External Affairs, and the Ministry of Commerce and Industry) where those communications relate to social media activity, content sharing, or coordinated promotion;*
  - f. Any third party engaged or paid (whether by [agency], by another government agency, or by a contracted intermediary) to promote, amplify, share, retweet, like, or otherwise increase the reach of social media content concerning the India FTA.*
- 2. Any contracts, statements of work, purchase orders, invoices, or financial records relating to the engagement of any party for the purpose of social media amplification, influencer marketing, audience targeting, or coordinated promotion of messaging concerning the India FTA, including any spend on paid amplification on X/Twitter or other platforms.*
- 3. Any internal strategy documents, communications plans, media plans, or briefings concerning the digital or social media communications strategy for the India FTA, including any analysis, monitoring, or reporting on social media engagement (e.g. retweets, likes, follower analytics) of posts by the Prime Minister or the Minister for Trade and Investment relating to India or the FTA.*
- 4. Any correspondence with platforms (including X Corp / Twitter, Meta, Google) regarding the promotion, boosting, or analytics of posts relating to the India FTA. For the avoidance of doubt, this request includes communications conducted on personal devices or non-government accounts where they relate to official business, in line with the Ombudsman's guidance on the OIA*

## **Background**

On 28 July 2026, the Ministry of Foreign Affairs and Trade advised you that it is processing these requests together, because the process required to locate, retrieve and collate the information in scope is substantively the same for each, involving the same teams. We noted that your requests captured a significant volume of information, and it was likely your request would be refused under section 18(f) of the OIA, as the information requested cannot be made available without substantial collation and research. In order to avoid a refusal, the Ministry proposed providing you with key documents relating to the information you were after.

On 29 July 2026, you noted our proposal, and accepted with the following conditions:

*OIA 31109 (UNDRIP) — handle separately as filed.*  
*This request was filed with an explicit no-transfer instruction and concerns a narrow governance question: who authorised the affirmation of UNDRIP in Article 13.2, and whether ministerial approval was sought. This does not require searching "hundreds of documents." It requires the Ministry to confirm whether approval was sought (yes or no), who authorised the language (a named official or Minister), and whether Cabinet's direction to halt UNDRIP implementation was considered. I do not accept this request being combined with broader requests to justify an 18(f) refusal on a question the Ministry can answer directly.*

*OIA 31099 (MoC and FTA horticulture) — I accept the key documents approach on the following conditions:*

- (a) The key documents include any records identifying who proposed Paragraph 3(d)'s "without any cost" language (Request 4(a) of OIA 31099);*
- (b) The key documents include any assessment of the interaction between "without any cost" and India's PPV&FR Act (Request 4(a)-(c));*
- (c) The key documents include any record of India referencing the MoC during FTA negotiations (Request 2(c));*
- (d) If these specific items are not among the "key documents" provided, I will treat them as unanswered and seek an Ombudsman review on those specific points.*

*OIA 31105 (INZBC) — I accept the key documents approach subject to condition: The key documents must include any records of INZBC's report "India and New Zealand: A Relationship Ready For Its Next Phase" being received, discussed, or assessed by MFAT, and any correspondence with INZBC regarding the MoC or FTA horticulture provisions.*

*OIA 31054 (social media, transferred from PMO) — I accept the key documents approach without further conditions, noting this was already partially addressed by the PMO.*

*To confirm: I accept the key documents approach for OIA 31054, 31099, and 31105 subject to the conditions above. I do not accept it for OIA 31109, which should be handled separately as a narrow governance question.*

On 24 August 2026, the timeframes for responding to your request were extended by an additional 23 working days because responding to your request necessitated the review of a large quantity of information (section 15(1)(a) of the OIA refers).

## **Response to your request**

OIA 31109 (UNDRIP)

Please see the following table for a list of documents in scope of your request:

| #  | Title                                                                                | Date             | Your request # |
|----|--------------------------------------------------------------------------------------|------------------|----------------|
| 1. | Ministerial Template for UNDRIP Responses                                            | 4 September 2026 | 2(a)           |
| 2. | India FTA – UNDRIP Media Lines                                                       | 5 June 2026      | 2(a)           |
| 3. | Submission - UNDRIP References in Māori Trade and Economic Cooperation Chapters      | 27 May 2026      | 2(a), 4        |
| 4. | UNDRIP References in Free Trade Agreements – Media Lines                             | 27 May 2026      | 2(a)           |
| 5. | India FTA UNDRIP and Paris Agreement References Note for Minister of Foreign Affairs | 30 June 2026     | 2(c)           |
| 6. | 25-10160 – India FTA UNDRIP                                                          | 8 May 2026       | 2(a)           |
| 7. | MTI FTA Templated response                                                           | 5 May 2026       | 2(a)           |

| #  | Title                                                               | Date       | Your request # |
|----|---------------------------------------------------------------------|------------|----------------|
| 8. | RE Ministerials on India FTA UNDRIP reference – Cabinet mandate.pdf | 6 May 2026 | 2(a), 3, 4     |

Some information is withheld under the following sections of the OIA:

- 6(a): to protect the international relations of the government of New Zealand;
- 6(b)(i): to protect information provided in confidence to the government of New Zealand by another country;
- 9(2)(a): to protect individuals' privacy;
- 9(2)(g)(i): to maintain public affairs through the free and frank expression of opinions by officials; and
- 9(2)(g)(ii): to protect officers and employees from improper pressure or harassment.

Where the information has been withheld under section 9 of the OIA, no public interest in releasing the information has been identified that would override the reasons for withholding it.

In scope of part one of your request is an email from India and a subsequent chain of emails from 12 to 19 November 2025 between Ministry of Foreign Affairs and Trade (the Ministry) officials relating to the negotiation of the Free Trade Agreement (FTA) with India. In accordance with section 16(1)(e) of the OIA, a summary of this information is provided below.

Summary of information in email correspondence:

- *Draft text proposals for the Cultural, Trade, Traditional Knowledge and Economic Cooperation chapter;*
- *New Zealand's positions, including related to the various multilateral instruments that are referenced in the Agreement, such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);*
- *The Cabinet mandate for the chapter;*
- *A request to meet at short notice with India to negotiate the text.*

We have chosen to provide a summary as providing the information in another form would prejudice the interests protected by section 6, 7 or 9 of the OIA. Please note some information is not provided in the summary because it is withheld under the following sections of the OIA:

- 6(a): to protect the international relations of the government of New Zealand; and
- 6(b)(i): to protect information provided in confidence to the government of New Zealand by another country.

In scope of part two of your request are two Cabinet papers proactively released by the Minister for Trade and Investment that are available on our website at the following link: [www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-concluded-but-not-in-force/new-zealand-india-free-trade-agreement/resources](http://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-concluded-but-not-in-force/new-zealand-india-free-trade-agreement/resources)

- *New Zealand-India FTA: Approval of Final Outcomes and Approval to Sign*
- *India Free Trade Agreement Legislation Amendment Bill: Approval for Introduction*

Accordingly, your request for these documents is refused under section 18(d) of the OIA, as the information is publicly available.

The Cabinet paper titled, *New Zealand-India Free Trade Agreement Negotiation Mandate*, is in scope of part three of your request and is withheld in full under section 9(2)(j) of the OIA, to avoid prejudice to future negotiations:

*OIA 31099 (MoC and FTA horticulture)*

This information is more closely connected to the functions of the Ministry for Primary Industries (MPI). As you have already made this request to MPI, we refer you to their response.

*OIA 31105 (INZBC)*

This information has been provided to you by the Minister for Trade and Investment in their response to your OIA request (MOIA 31131 refers). The Ministry holds no other information in scope of your request.

*OIA 31054 (social media)*

This information has been provided to you by New Zealand Trade and Enterprise in their response to your OIA request (OIA 25 26 26 refers). The Ministry holds no other information in scope of your request.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website:

[www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/](http://www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/)

If you have any questions about this decision, you can contact us by email at: [DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz). You have the right to seek an investigation and review by the Ombudsman of this decision by contacting [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett  
for Secretary of Foreign Affairs and Trade

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**India FTA: UNDRIP Media Lines**

- The New Zealand – India Free Trade Agreement (FTA) includes a Cultural, Trade, Traditional Knowledge and Economic Cooperation Chapter. This is now standard in New Zealand's free trade agreements.
- The Chapter refers to several relevant multilateral instruments and texts, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This is **consistent with** similar chapters that New Zealand has concluded with the United Kingdom, European Union, and the United Arab Emirates.

**If asked: is UNDRIP specifically referenced in other FTAs.**

Yes. New Zealand's FTAs with UK, EU and UAE.

**If asked: Who approved the inclusion of Cultural, Trade, Traditional Knowledge and Economic Cooperation Chapters in our free trade agreements?**

Cabinet mandated officials to conclude a comprehensive outcome that includes the full suite of chapters that are now standard in our FTAs.

**If asked: what has New Zealand signed up to with UNDRIP?**

New Zealand made a statement of qualified support for UNDRIP in 2010 with some caveats, including that New Zealand's existing legal and constitutional frameworks – including the Treaty of Waitangi – define the bounds of New Zealand's engagement with UNDRIP. The UNDRIP reference in these FTAs does not change or expand New Zealand's position in respect of UNDRIP.

s9(2)(g)(i)

s9(2)(g)(i)

*Legal Division / Trade Negotiations and Policy Division / United Nations, Human Rights and  
Commonwealth Division  
June 2026*



19 May 2026

Minister for Trade and Investment

For action by

27 May 2026

## UNDRIP References in Māori Trade and Economic Cooperation Chapters

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**BRIEFING** Overview Submission

**PURPOSE** As directed by you, to advise on the implications for New Zealand on referencing UNDRIP in future Free Trade Agreements.

### Contact details

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| NAME         | ROLE               | DIVISION                                   | WORK PHONE |
|--------------|--------------------|--------------------------------------------|------------|
| s9(2)(g)(ii) | Divisional Manager | Trade Policy and Negotiations              | s9(2)(a)   |
| s9(2)(g)(ii) | Lead Adviser       | Trade Policy Engagement and Implementation | s9(2)(a)   |

### Minister's Office to complete

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|                                              |                                               |                                    |
|----------------------------------------------|-----------------------------------------------|------------------------------------|
| <input type="checkbox"/> Approved            | <input type="checkbox"/> Noted                | <input type="checkbox"/> Referred  |
| <input type="checkbox"/> Needs amendment     | <input type="checkbox"/> Declined             | <input type="checkbox"/> Withdrawn |
| <input type="checkbox"/> Overtaken by events | <input type="checkbox"/> See Minister's notes |                                    |

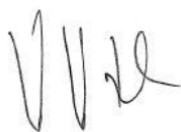
**Comments**

## UNDRIP References in Māori Trade and Economic Cooperation Chapters

### Key points

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- The trade agreements with the United Kingdom (UK), European Union (EU), United Arab Emirates (UAE), and India include dedicated Māori trade and economic cooperation chapters.<sup>1</sup> You sought a review of the approach we will take in the future to UNDRIP references in such chapters.
- These chapters are cooperative and do not impose any legal or financial obligations on either party.
- As is standard practice in most FTA chapters, these include references to several multilateral international instruments that are relevant to the implementation of these chapters.
- The references to these international instruments, including UNDRIP, do not incorporate the instruments into New Zealand's trade agreements, impose any new or additional legal obligations on New Zealand, nor do the references change or expand what New Zealand has agreed to in respect of each instrument.
- For any future trade negotiations and in response to your direction, officials will not include UNDRIP references unless they consider it may be necessary, including because another partner seeks its inclusion. In this case a specific mandate to include an UNDRIP reference would be sought from Ministers.



Vangelis Vitalis  
for Secretary of Foreign Affairs and Trade

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<sup>1</sup> In the case of the New Zealand-India FTA, the chapter title is Cultural, Trade, Traditional Knowledge and Economic Cooperation.

## UNDRIP References in Māori Trade and Economic Cooperation Chapters

Recommendations

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It is recommended that you:

- |   |                                                                                                                                                                                                                                                                                                                                                     |                 |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1 | <b>Note</b> the Cabinet mandate for officials to conclude comprehensive outcomes with the UK, EU, UAE, and India that include the suite of chapters that are considered standard in New Zealand's free trade agreements.                                                                                                                            | <b>Yes / No</b> |
| 2 | <b>Note</b> that the Māori trade and economic cooperation chapters in these agreements contain references to several multilateral international instruments, including UNDRIP.                                                                                                                                                                      | <b>Yes / No</b> |
| 3 | <b>Note</b> that these chapters are cooperative and do not impose any legal or financial obligations on either party.                                                                                                                                                                                                                               | <b>Yes / No</b> |
| 4 | <b>Note</b> that as directed officials have undertaken a review of the approach to including an UNDRIP reference in future Māori trade and economic cooperation chapters.                                                                                                                                                                           |                 |
| 5 | <b>Agree</b> that in any future trade negotiations officials will not include an UNDRIP reference in Māori trade and economic cooperation chapters unless they consider it may be necessary, including because another partner seeks the inclusion of an UNDRIP reference, in which case a specific mandate will be sought from Ministers to do so. | <b>Yes / No</b> |

Hon Todd McClay  
Minister for Trade and Investment

Date:            /            /

## UNDRIP References in Māori Trade and Economic Cooperation Chapters

## Report

1. Cabinet mandated officials to conclude comprehensive outcomes with the UK, EU, UAE, and India that include the suite of chapters that are considered standard in New Zealand's Free Trade Agreements (FTAs). These agreements have included dedicated Māori trade and economic cooperation chapters.
2. Officials consulted with key stakeholder groups as part of these negotiations including with industry and sectoral bodies, exporters, Māori, and relevant civil society groups.
3. This network of comprehensive FTAs supports New Zealand's trade diversification strategy by strengthening the rules-based trading system, exporter opportunities and resilience, and international connections through plurilateral trade mechanisms. This in turn supports the government's goal of doubling New Zealand's export value over ten years, including through its *Going for Growth* and *Going for Growth with Māori | Tōnui Māori* strategies.
4. The Māori trade and economic cooperation chapters in all four agreements are cooperative. They do not impose any legal or financial obligations on either party, and they are not subject to dispute settlement under the agreements.
5. They also refer to several multilateral international instruments to which both New Zealand and the other partner are a party that are relevant to the chapters' implementation. These have included the:
  - United Nations Educational, Scientific and Cultural Organization Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO);
  - Convention on Biological Diversity;
  - International Treaty on Plant Genetic Resources for Food and Agriculture;
  - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
  - United Nations Guiding Principles on Business and Human Rights; and
  - United Nations 2030 Agenda for Sustainable Development.
6. These provide reference points for the cooperation activities in the chapters (e.g. collaboration on traditional knowledge and intellectual property protection etc). They do not incorporate the instruments into New Zealand's trade agreements, impose any new or additional legal obligations on New Zealand, nor do the references change or expand what New Zealand has agreed to in respect of each instrument, including UNDRIP.
7. The UNDRIP references in all four of these trade agreements do not change or expand New Zealand's position in respect of UNDRIP, nor do they in any way undermine or otherwise impact the caveats that New Zealand placed on its qualified support. Annex 1 provides the relevant extracts on UNDRIP from the four chapters of the FTAs.
8. As directed by you we have focused this review on UNDRIP. UNDRIP is set out in a General Assembly resolution that was adopted in 2007. UNDRIP is not legally binding, and it is not a treaty. It contains a mix of elements, including existing human rights and other non-binding aspirations. New Zealand made a statement of qualified support for

## UNDRIP References in Māori Trade and Economic Cooperation Chapters

UNDRIP in 2010 with some caveats, including that New Zealand's existing legal and constitutional frameworks including the Treaty of Waitangi define the bounds of New Zealand's engagement with UNDRIP.

9. The Māori trade and economic cooperation chapters identify a range of trade and economic cooperation activities in areas of interest to Māori. Examples of cooperation activities conducted under these chapters include geographical indications training with the EU, Māori women's tech cooperation with the UK, France, and Ireland, the Māori Kiwifruit Growers Inc collaborative marketing campaign into the UAE, and the France-Māori Economy Roadmap developed between the French Embassy in Wellington and Te Taumata.

### Future negotiations

10. As noted above, any impact of references to international instruments in Māori trade and economic cooperation chapters is effectively limited to providing context for the cooperative activities that the parties may elect to undertake under these chapters. Notwithstanding that there is no material or legal impact, public discussion of recent FTA outcomes has highlighted views about the perceived significance of and public interest in how these references may impact the interpretation of an FTA outcome or impact on New Zealand domestic law and policy.
11. As noted earlier, the references to UNDRIP in the four chapters in the agreements with the UK, EU, UAE, and India do not incorporate the declaration into New Zealand's trade agreements, nor does it impose any new or additional legal obligations.
12. The public debate has, however, highlighted the importance of careful consideration of the inclusion of UNDRIP references in similar chapters in future FTA negotiations.
13. For any future trade negotiations, officials propose that a reference to UNDRIP will not be necessary, but if they consider it may be required (e.g. if another partner seeks to include a reference) a specific mandate from Ministers will be sought.

### Resourcing

14. This submission does not have any financial, staffing, or work prioritisation implications.

## UNDRIP References in Māori Trade and Economic Cooperation Chapters

### ANNEX 1

#### **New Zealand-United Kingdom Free Trade Agreement**

Chapter 26 Māori Trade and Economic Cooperation

Article 26.3 International Instruments

The Parties note:

(d) the UN Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly in New York on 13 September 2007, and further note the national positions of the United Kingdom and New Zealand made on that Declaration.

#### **New Zealand-European Union Free Trade Agreement**

Chapter 20 Māori Trade and Economic Cooperation

Article 20.3 International Instruments

The Parties note:

(a) the United Nations Declaration on the Rights of Indigenous Peoples, adopted in New York on 13 September 2007 and their respective positions made on that Declaration.

#### **New Zealand-United Arab Emirates Comprehensive Economic Partnership Agreement**

Chapter 15 Indigenous Peoples Economic and Trade Cooperation

Article 15.3

The Parties recognise the importance of relevant multilateral instruments to which both Parties are party, including:

(a) The United Nations Declaration on the Rights of Indigenous Peoples, adopted in New York on 13 September 2007.

## UNDRIP References in Māori Trade and Economic Cooperation Chapters

### **New Zealand-India FTA**

Chapter 13 Cultural, Trade, Traditional Knowledge and Economic Cooperation

Article 13.2 International Cooperation

The Parties, subject to their respective reservations, affirm the following:

(a) the United Nations Declaration on the Rights of Indigenous Peoples, adopted in New York on 13 September 2007 and their respective positions made on that Declaration.<sup>2 3</sup>

Released under the Official Information Act 1982

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<sup>2</sup> For greater certainty, this includes qualifying statement by India at the United Nations, accessible at “General Assembly Adopts Declaration on Rights of Indigenous Peoples; ‘Major Step Forward’ towards Human Rights for All, Says President” United Nations Meetings Coverage and Press Releases (GA/10612, 13 September 2007). India notes that “India voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples on the condition that after independence all Indians are indigenous”.

<sup>3</sup> The Parties agree that for India, “Indigenous Peoples” is without prejudice to India’s domestic legal classification, and any recognition of indigenous status shall be in accordance with India’s law or policy.

### **UNDRIP References in Free Trade Agreements – Media Lines**

- The New Zealand – India Free Trade Agreement (FTA) includes a Cultural, Trade, Traditional Knowledge and Economic Cooperation Chapter. This is now standard in New Zealand's free trade agreements, including with the UK, EU, and most recently the UAE.
- The Chapter refers to several multilateral instruments to which both parties are a party, including UNDRIP.
- UNDRIP is set out in a General Assembly resolution that was adopted in 2007. UNDRIP is not legally binding, and it is not a treaty. New Zealand made a statement of qualified support for UNDRIP in 2010 with some caveats, including that New Zealand's existing legal and constitutional frameworks including the Treaty of Waitangi define the bounds of New Zealand's engagement with UNDRIP.
- The UNDRIP reference in the FTA does not make UNDRIP legally binding on New Zealand, impose any new or additional legal obligations on New Zealand, nor do the references change or expand what New Zealand has agreed to in respect of UNDRIP.

### **If asked: Who approved the inclusion of Cultural, Trade, Traditional Knowledge and Economic Cooperation Chapters in our free trade agreements?**

- Cabinet mandated officials to conclude comprehensive outcomes with the UK, EU, UAE, and India that include the suite of chapters that are considered standard in New Zealand's Free Trade Agreements (FTAs). s9(2)(g)(i)

### **If asked: UNDRIP references in future FTA negotiations**

- I have directed officials that in all future negotiations, UNDRIP references will require a specific formal negotiating mandate from Ministers.

**India FTA**  
**UNDRIP and Paris Agreement References**  
**Note for Minister of Foreign Affairs**

The Chief Negotiator and responsible official for the negotiation was Vangelis Vitalis.

**UNDRIP**

- Cabinet mandated officials (25 November 2024) to “conclude a comprehensive outcome that includes the full suite of chapters that are now standard in our FTAs” and for outcomes that are covered in existing trade agreements.
- The Cabinet mandate specifically sought the inclusion of a Chapter on Māori Trade and Economic Cooperation, as was included in New Zealand’s most recent FTAs with the UAE, EU and UK (each of these also references UNDRIP).
- s6(a), s6(b)(i)

•

- Internally, the Ministry tested whether inclusion of a reference to UNDRIP was consistent with the Government’s approach to it. The conclusion was that such a reference was consistent with earlier FTAs, and was not inconsistent with Government policy, including given that the reference to UNDRIP in the FTA is subject to New Zealand’s qualifying statement on UNDRIP at the United Nations in 2010.
- The UNDRIP reference does not create any legal obligations or otherwise change or expand New Zealand’s position on UNDRIP.
- Accordingly, the UNDRIP reference does not have any “binding legal effect on New Zealand”, in accordance with page 10 of the Coalition Agreement. Further, the UNDRIP reference, in addition to having no binding legal effect on New Zealand, does not change New Zealand’s position on UNDRIP or impose any new obligations on the Government.

**Paris Agreement**

- As noted above, Cabinet mandated officials (25 November 2024) to “conclude a comprehensive outcome that includes the full suite of chapters that are now standard in our FTAs” and for outcomes that are covered in existing trade agreements.
- The Cabinet mandate specifically sought the inclusion of a Chapter on Trade and Sustainable Development, as was included in New Zealand’s most recent FTAs with the UAE, EU and UK (each of their chapters also references the Paris Agreement).
- Most of the references to the Paris Agreement in the Trade and Sustainable Development (TSD) Chapter of the India FTA were included in the initial draft chapter text proposed by New Zealand (Deputy Secretary and Chief Negotiator Vangelis Vitalis) in April 2025, during the early stages of the negotiations.

- Both New Zealand and India are parties to the Paris Agreement.  
s6(a), s6(b)(i)

- The India FTA does not create new legal obligations or change or expand New Zealand's position on the Paris Agreement. Nor do the references prevent New Zealand from determining its own environment and climate change priorities and policies, and our right to regulate in pursuit of these, in line with our international obligations.

Trade Policy and Negotiations Division  
16 June 2026

Released under the Official Information Act 1982

Released under the Official Information Act 1982

Released under the Official Information Act 1982

Kia ora s9(2)(g)

Following up on our phone call earlier, I've checked and no advice went to MTI on UNDRIP and the India FTA. Since the negotiating mandate from Cabinet was to do what had been done in our previous FTAs, we wouldn't normally provide any briefing or advice on specific elements.

Attached as requested is the negotiating mandate.

Ngā mihi,

s9(2)(g)(ii)

**Lead Adviser – Intellectual Property**

Wehewehenga | Trade Policy and Negotiations Division

Manatū Aorere | New Zealand Ministry of Foreign Affairs and Trade

s9(2)(a)

**From:** s9(2)(g)(ii)

**Sent:** Wednesday, 6 May 2026 1:31 pm

**To:** 's9(2)(g)(ii)

**Cc:** ESD <[DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz)>; s9(2)(g)(ii)

MEDIA <[media@mfat.govt.nz](mailto:media@mfat.govt.nz)>; s9(2)(g)(ii)

VITALIS, Vangelis (DS TEG)

<[Vangelis.Vitalis@mfat.govt.nz](mailto:Vangelis.Vitalis@mfat.govt.nz)>

**Subject:** RE: Ministerials on India FTA UNDRIP reference - requesting template response by COP Thurs [SEC=UNCLASSIFIED]

Kia ora s9(2)(g)

Following up on the template response shared earlier, here are some media lines on UNDRIP:

- The New Zealand – India Free Trade Agreement (FTA) includes a Cultural, Trade, Traditional Knowledge and Economic Cooperation Chapter. This is now standard in New Zealand's free trade agreements.
- The Chapter refers to several relevant multilateral instruments and texts, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

This is **consistent with** similar chapters that New Zealand has concluded with the United Kingdom, European Union, and the United Arab Emirates.

**If asked: is UNDRIP specifically referenced in other FTAs.**

Yes. New Zealand's FTAs with UK, EU and UAE.

**If asked: Who approved the inclusion of Cultural, Trade, Traditional Knowledge and Economic Cooperation Chapters in our free trade agreements?**

Cabinet mandated officials to conclude a comprehensive outcome that includes the full suite of chapters that are now standard in our FTAs.

**If asked: what has New Zealand signed up to with UNDRIP?**

New Zealand made a statement of qualified support for UNDRIP in 2010 with some caveats, including that New Zealand's existing legal and constitutional frameworks including the Treaty of Waitangi, define the bounds of New Zealand's engagement with UNDRIP. The UNDRIP reference in these FTAs does not change or expand New Zealand's position in respect of UNDRIP.

Ngā mihi,

s9(2)(g)(iii)

**Lead Adviser – Intellectual Property**

Wehewehenga | Trade Policy and Negotiations Division

Manatū Aorere | New Zealand Ministry of Foreign Affairs and Trade

s9(2)(a)

**From:** s9(2)(g) ii)

**Sent:** Tuesday, 5 May 2026 1:53 pm

**To:** 's9(2)(g)(ii)

**Cc:** ESD <[DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz)>; s9(2)(g)(ii)

MEDIA <[media@mfat.govt.nz](mailto:media@mfat.govt.nz)>; s9(2)(g)(ii)

VITALIS, Vangelis (DS TEG)

<[Vangelis.Vitalis@mfat.govt.nz](mailto:Vangelis.Vitalis@mfat.govt.nz)>

**Subject:** RE: Ministerials on India FTA UNDRIP reference - requesting template response by COP Thurs [SEC=UNCLASSIFIED]

Kia ora s9(2)(g)

Thanks for your email and the chat just now.

In addition to the responses s9(2)(g)(ii) shared yesterday, here's a point about the footnote question:

- At the time that countries endorsed the UNDRIP, some countries like India stated their national position. India's national position is reflected in the footnotes to the UNDRIP reference in the FTA. New Zealand did not state a national position when it endorsed the UNDRIP in April 2010.

For background, here's the text of the footnotes:

1 For greater certainty, this includes qualifying statement by India at the United Nations, accessible at "General Assembly Adopts Declaration on Rights of Indigenous Peoples; 'Major Step Forward' towards Human Rights for All, Says President" United Nations Meetings Coverage and Press Releases (GA/10612, 13 September 2007), . India notes that "India voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples on the condition that after independence all Indians are indigenous".

2 The Parties agree that for India, "Indigenous Peoples" is without prejudice to India's domestic legal classification, and any recognition of indigenous status shall be in accordance with India's law or policy.

We can provide additional responses if there are other specific questions.

Ngā mihi,

s9(2)(g)(iii)

**Lead Adviser – Intellectual Property**

Wehewehenga | Trade Policy and Negotiations Division

Manatū Aorere | New Zealand Ministry of Foreign Affairs and Trade

s9(2)(a)

**From:** s9(2)(g)(ii)

**Sent:** Tuesday, 5 May 2026 1:23 pm

**To:** s9(2)(g)(ii)

**Cc:** ESD <[DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz)>; s9(2)(g)(ii)

s9(2)(g)(ii)

MEDIA <[media@mfat.govt.nz](mailto:media@mfat.govt.nz)>

**Subject:** RE: Ministerials on India FTA UNDRIP reference - requesting template response by COP Thurs [SEC=UNCLASSIFIED]

Hi there,

I understand the timeframe for the template response is now COP today, as discussed directly between s9(2)(g)(ii) and s9(2)(g)(ii) yesterday.

Can we please also request draft media Q&A lines to respond to questions along the same lines as the correspondence coming in? Can we please receive these also by COP today?

Thanks

s9(2)(g)(ii)

**From:** s9(2)(g)(ii)

**Sent:** Monday, 4 May 2026 4:25 PM

**To:** s9(2)(g)(ii)

**Cc:** ESD <[DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz)>; s9(2)(g)(ii)

**Subject:** RE: Ministerials on India FTA UNDRIP reference - requesting template response by COP Thurs [SEC=UNCLASSIFIED]

[UNCLASSIFIED]  
UNCLASSIFIED

Hi s9(2)(g)(ii)

Thanks for sending this through. Confirming receipt and that we'll have a template response to you by COP Thurs.

Ngā manaakitanga,

s9(2)(g)(ii)

**Policy Officer**

Global Trade Agreements Unit

Trade Policy, Engagement and Implementation Division

Manatū Aorere | Ministry of Foreign Affairs and Trade

s9(2)(a)

See how MFAT [helps Exporters](#)



UNCLASSIFIED

**From:** s9(2)(g)(ii)

**Sent:** Monday, 4 May 2026 2:39 pm

**To:** s9(2)(g)(ii)

**Subject:** FW: Ministerials on India FTA UNDRIP reference - requesting template response by COP Thurs

s9(2)(g)(ii)

**Private Secretary (Trade)** | Office of Hon Todd McClay

s9(2)(a)

**From:** s9(2)(g)(ii)

**Sent:** Monday, 4 May 2026 2:33 pm

**To:** ESD <[dm-esd@mfat.govt.nz](mailto:dm-esd@mfat.govt.nz)>; s9(2)(g)(ii)

**Cc:** s9(2)(g)(ii)

**Subject:** Ministerials on India FTA UNDRIP reference - requesting template response by COP Thurs

Hi all,

We've received high volume of emails on the UNDRIP reference in the India FTA (100+, some examples attached). Given the volume, and that they are similar in tone, can we please request a template response? It would be great to receive this quickly so we can start managing the responses. Would **COP Thursday** be workable? Happy to discuss.

Thanks,



s9(2)(g)(ii)

**Private Secretary (Trade)** | Office of Hon Todd McClay  
Minister for Trade and Investment  
Associate Minister of Foreign Affairs

s9(2)(a)

Website: [www.Beehive.govt.nz](http://www.Beehive.govt.nz)

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