



Victorian Treaty  
Advancement  
Commission

## What is the New Zealand experience?

*The Treaty of Waitangi was signed in 1840 by Maori Chiefs and representatives of the British Crown. In many cases Maori rights were not recognised and upheld by the Crown, and Maori sought resolution of their grievances about Crown actions and breaches of the treaty. The Treaty Settlement Process was developed in response to this.*

In 1975 the government of the day established the Waitangi Tribunal under the Treaty of Waitangi Act 1975. The Tribunal is a permanent Commission of Inquiry that makes recommendations on Maori claims about crown breaches of the Treaty of Waitangi.

Part of the Tribunal's role is to investigate and find the truth about the past by providing a forum and safe environment for Maori to tell their story and air their grievances.

The Tribunal does not play a direct role in the negotiation of treaty settlement. Negotiations occur directly between Maori groups and the Crown. However, Tribunal reports often form the starting point for a settlement negotiation.

The New Zealand Government developed six principles to ensure that claim settlements are fair, durable, final and occur in a timely manner.

1. Good faith
2. Restoration of relationship
3. Just redress
4. Fairness between claims
5. Transparency
6. Government negotiated

Through Treaty settlements Maori have unique rights to manage land and fisheries, promote self-government and economic prosperity.

Treaty settlements can include:

- Maori rights
- Explicit acknowledgment and apology for breaches of the Treaty and its principles
- Commercial redress
- Cultural and Environment redress
- Involvement in decision making
- Place name changes

The achievement of settlement represents the start of a fresh relationship between Maori and the Crown. Parties can then move forward in an ongoing partnership, always accountable under Treaty of Waitangi and settlement principles.

## What is the Canadian experience?

*In 1982, the Government of Canada amended the Constitution to recognise and affirm the existing Aboriginal and treaty rights of Canadian First Nations peoples.*

The modern treaty process in British Columbia, a province of Canada, began in 1992. It provides a framework for First Nations, and the governments of British Columbia and Canada, to negotiate treaties.

The modern treaty process was developed as a mechanism to promote reconciliation through building a new relationship of government-to-government-to-government agreements.

The British Columbia treaty process currently includes 60 First Nations at 49 sets of negotiations. These treaties can achieve greater certainty of rights by resolving ownership of British Columbia land and resources.

These treaties can include:

- First Nation rights
- Self-government
- Land
- Environmental management
- Culture and heritage
- Fishing, forestry, wildlife
- Compensation
- Shared revenue from resources projects

Under the modern treaty process, First Nations can negotiate various degrees of self-governance over their traditional lands.

Self-governance may come in the form of law-making authority and the provision of public services which may include education, language, culture, police services, health care, social services, housing or child welfare.