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13 March 2009

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, at its 74th session held from the 16 February to 6 March 2009, considered the follow-up report submitted by the Government of New Zealand (CERD/C/NZL/CO/17/Add.1) pursuant to rule 65 (1) of its rules of procedure.

The Committee welcomes the submission of information on the implementation of the recommendations contained in paragraphs 14, 19, 20 and 23 of the concluding observations (CERD/C/NZL/CO/17) adopted by the Committee at its seventieth session in March 2007. The Committee appreciates the opportunity thus provided to continue its dialogue with the State party. In this spirit, the Committee requests that comments and responses on action taken on the following issues be included in its next periodic report, due in December 2011.

- **Paragraph 14 of the concluding observations:** The Committee welcomes the information provided by the State party on the incorporation of references to the Treaty of Waitangi in domestic legislation and invites the State party to:
 - supply examples of legislation referring to the Treaty of Waitangi;
 - transpose the terms of the Treaty of Waitangi into the national legal framework;
 - supply examples of concrete cases in which courts have adjudicated on Treaty matters; and
 - provide examples of recommendations formulated by the Waitangi Tribunal, if any, that have been followed by the Crown in claim settlements with the Maori community.

His Excellency Mr. Don MacKay
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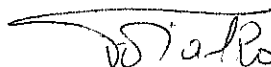
- **Paragraph 19 of the concluding observations:** The Committee appreciates the extensive information provided by the State party regarding the progress made in negotiations with the Maori with respect to the Foreshore and Seabed Act. The Committee reiterates that an ongoing dialogue with the Maori community is of utmost importance for a just and fair implementation of the Foreshore and Seabed Act. In this regard, the Committee invites the State party to provide information on:
 - recent progress made in ongoing negotiations;
 - new negotiations with groups which have decided to collaborate with the Government;
 - the status of the dialogue held with tribes who oppose the act;
 - land rights granted to tribes in accordance with the Foreshore and Seabed Act; and
 - the realization of the right to access justice through a fair and equitable process, e.g. in the case of Te Whanau a Apanui.

- **Paragraph 20 of the concluding observations:** The Committee notes with satisfaction the incorporation of references to the Treaty of Waitangi in the final *New Zealand Curriculum*, as well as the launch of the new education strategy for the Maori and encourages the State party to continue to take steps to promote and strengthen New Zealand's cultural diversity.

- **Paragraph 23 of the concluding observations:** The Committee welcomes the interim measures taken by the State party to ensure that undocumented children, whose immigration status is being considered, still have access to education. The Committee asks the State party to make these measures permanent. Further, the Committee encourages the State party to allow access to education to all known children within its territory, regardless of whether a child's status is under consideration. The Committee also recommends that the State party adopt as quickly as possible the draft of the Immigration Bill, which would remove the problems in connection with access to education.

Allow me, Excellency, to reiterate the wish of the Committee to pursue its constructive dialogue with your Government, and to underline that the Committee's observations and request for further information are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Fatimata-Binta Victoria Dah
Chairperson of the Committee for the
Elimination of Racial Discrimination