



National Council of Women of New Zealand

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Submission to the Foreign Affairs, Defence and Trade Select Committee on the International Treaties Bill

Introduction

The National Council of Women (NCWNZ) is an umbrella organisation representing 43 nationally organised societies. It has 34 branches spread throughout the country, to which women from some 150 societies are affiliated.

This submission has been prepared by the members of the Parliamentary Watch Committee (PWC) with additional comment from former individual women.

General Comment

Respondents agreed unanimously that the proposed changes to current procedures outlined in the Bill, regarding the examination of international treaties by the House of Representatives, should be adopted. New Zealand is small and vulnerable, a flyweight in the arena of international relations, and although we are regarded highly for our willingness to throw our hat into the ring when it is a question of offering aid or advice to those who need them, when it is a question of trade or the rights to the resources in the seas surrounding us we need to ensure that global and national interests are carefully balanced.

Worldwide, globalisation has increased the influence of international treaties over domestic law. We therefore welcome this move to ensure that all international treaties of interest to New Zealand will be brought before Parliament for debate before it becomes binding.

Policy

The intention of this bill is consistent with the longstanding objective of NCWNZ which is that in a democracy, all significant issues should be subject to informed debate by Parliament. NCWNZ Resolution 2.8.3, adopted in 1899 and iterated in 1900 and 1902, states, "That this Council reaffirm the great democratic principle of government by a majority on all questions." Resolution 2.3.1.5 in 1978 expressed the Council's concerns about legislation in haste, and implied the need for fully informed debate about alternative courses of action.

Comments on individual clauses

Clause 6 (1) (a) to (c). The provisions herein, requiring the actual texts to be presented to the House along with the national interest analysis, ensure that Parliament will have the necessary information for robust debate and decision making.

Clause 6(1)(d). Notwithstanding our agreement in principle with the intent of this Bill, NCWNZ recognises that premature release of information could, in certain cases, jeopardise negotiation relationships with other countries, by precipitating an ill-prepared debate. NCWNZ is aware that years of work go into many Treaties, such as those on trade, and over time the parties to the discussion may move substantially in their outlook, so believe that drafts under negotiation need to be treated with caution.





Clause 6 (2). It is wise to make provision for the protection of New Zealand by allowing it to withdraw from or make reservations regarding any treaty or part of one that is unfavourable to the nation.

Clause 7. Very good safeguards for the protection of New Zealand citizens are provided for in this clause, requiring that the House should *approve* that a binding action be taken *before* it is taken, and making it clear that an approval does not confer the force of law within New Zealand until it is incorporated into our law. In order to protect the provisions of the Treaty and avoid ambiguity in redrafting, it could be advisable that any relevant Act consist of implementation clauses with the Treaty provisions attached as a Schedule.

Clause 8. In laying out the criteria for national interest analysis, this clause does not require the release of commercially sensitive information or the disclosure of details of economic strategies, but rather the demonstration of broad effects.

Conclusion

This bill is timely in the light of international global trends toward the subordination of domestic to international law. NCWNZ considers that it will protect New Zealanders by making Parliament, not the courts, the ultimate adjudicator.

Barbara Glenie
National President

Elizabeth Lee
Convener, Parliamentary Watch Committee