



We recommend that the bill be withdrawn and that MPs vote against it.

We strongly oppose the Treaty Principles Bill 2024

The Foundation for Equity & Research New Zealand (FERNZ) has read the Principles of the Treaty of Waitangi Bill. We strongly oppose the bill as it contradicts the principles of fairness and equity and urge all parties to reject it and abandon its progression.

Honouring and upholding Te Tiriti o Waitangi (Te Tiriti) is fundamental to safeguarding human rights in Aotearoa. This Bill breaches Te Tiriti, undermines the rights of Māori as tangata whenua, and contradicts our international obligations. It should never have been introduced and must not advance further.

Te Tiriti provides a foundational framework for belonging, fostering respectful relationships, and creating a just basis for decision-making. Instead of strengthening this foundation for the benefit of all, the Government has pursued actions that undermine Te Tiriti and indigenous rights, such as the referenda on Māori wards and the disestablishment of Te Aka Whai Ora, the Māori Health Authority.

The Treaty Principles Bill significantly weakens Te Tiriti and erodes Aotearoa's human rights commitments. It fails to respect Māori tino rangatiratanga and violates global human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples. The Waitangi Tribunal has warned that this Bill would represent "the worst, most comprehensive breach of the Treaty / te Tiriti in modern times."

The Tribunal also emphasized that Māori, as Treaty partners, have been excluded from the Crown's unilateral rewriting of Treaty principles. The Government must fulfill its responsibility to work in partnership with Māori and honor tino rangatiratanga.

This Bill represents a serious breach of Te Tiriti o Waitangi and a profound act of bad faith. Te Tiriti is a partnership between Māori and the Crown, and the Government has a responsibility to honor this relationship by working in partnership with Māori and upholding tino rangatiratanga.

The proposed principles within the Bill are fundamentally flawed and contradict the guarantees made in Te Tiriti.

Principle 1: The Bill's wording misrepresents Article 1 of Te Tiriti by asserting that the Government has "full power to govern," implying absolute sovereignty. However, Māori never ceded sovereignty, and Te Tiriti affirms their autonomy. The Waitangi Tribunal has stated that "Principle 1 misinterpreted the kāwanatanga granted to the Crown in 1840; kāwanatanga is not an unbridled power restrained only by its own sense of what is in the best interests of everyone... Principle 1 is not consistent with the words, meaning, or intent of Article 1 of the Treaty / te Tiriti."

Principle 2: While referencing iwi and hapū rights, this principle restricts distinct rights to only those explicitly mandated by the Crown. The Bill proposes to recognize hapū and iwi Māori rights as they existed “at the time they signed it” and limits recognition to rights agreed upon in Treaty settlements. This will explicitly omit the voices of disabled Māori as the terms used currently for this group were not used at the time of signing.

This approach undermines tino rangatiratanga and erases Māori rights. As Dr. Carwyn Jones notes, “Not only does this subordinate tino rangatiratanga to kāwanatanga, but it erases the recognition of Māori rights altogether, contrary, not only to Te Tiriti, but to international standards set out in the United Nations Declaration on the Rights of Indigenous Peoples.”

This Bill’s content disregards Te Tiriti’s principles, violates tino rangatiratanga, and contradicts both domestic and international obligations to uphold Māori rights. Tāngata whaikaha Māori autonomy is impacted as we are significantly disadvantaged economically with recent disability funding cuts, reduction in funding for equipment modification and the unfair, inequitable treatment we face in the healthcare system.

Principle 3 of the Bill proposes wording that refers to everyone being equal before the law. The Tribunal found that principle 3 has no resemblance to the meaning and texts of Article 3. In Te Tiriti the Crown’s promises were made specifically to Māori as Treaty partners promising them the same rights and privileges as British subjects under the Queen’s protection.

Evidence shows that inequities exist for Māori across all sectors, eg. healthcare, education, employment and home ownership. Disabled Māori face multidimensional impacts of discrimination and this bill creates additional barriers to those faced by disabled Māori daily.

Recommendations:

1. Oppose the Bill and prevent its progression.
2. Commit to honoring Te Tiriti, He Whakaputanga o te Rangatiratanga o Niu Tirenī (the Declaration of Independence), the United Nations Declaration on the Rights of Indigenous Peoples, and other human rights obligations.
3. Include tāngata whaikaha Māori in all decision-making processes when drafting legal and policy documents.

Ngā mihi,

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