



Te Kāhui Tika Tangata  
Human Rights Commission

PRINCIPLES OF THE  
TREATY OF WAITANGI  
BILL

SUBMISSION SUMMARY

## **Summary of the Human Rights Commission’s Submission on the Principles of the Treaty of Waitangi Bill**

Te Kāhui Tika Tangata Human Rights Commission is New Zealand’s independent national human rights institution. We have a role to promote and protect human rights, particularly the human rights dimensions of Te Tiriti o Waitangi.

Te Tiriti is the core agreement that affirms a place to belong and a place to stand for everyone in Aotearoa. It is “the promise of two peoples to take the best possible care of each other.”<sup>1</sup>

Te Tiriti and human rights are closely connected. The rights and responsibilities agreed in Te Tiriti are also human rights. International human rights standards, including the UN Declaration on the Rights of Indigenous Peoples, supports Te Tiriti, and also says that treaties between Indigenous peoples and governments should be honoured. [Guidance](#) from expert UN human rights bodies says that governments should honour and respect treaties in good faith, according to their spirit and intent, and should avoid acting unilaterally in ways that undermine these agreements.

The Commission opposes the Principles of the Treaty of Waitangi Bill, because:

### **It breaches human rights**

This Bill specifically takes away the rights of only one group of New Zealanders which is not in line with human rights standards. The Bill therefore breaches the International Convention on the Elimination of Racial Discrimination. By removing Māori rights without any discussion directly with them, it also breaches the UN Declaration on the Rights of Indigenous Peoples.

### **It is based on incorrect and misleading interpretations of Te Tiriti.**

The Bill’s interpretation of Treaty principles is vastly different from any previous interpretations (e.g. those developed by the courts and Waitangi Tribunal over the past 50 years). The Bill’s interpretations ignore the historical context and do not align with the intentions, spirit or text of Te Tiriti.

The Bill’s interpretations would minimise the responsibilities of the Crown, and would remove fundamental rights from Māori.

The Waitangi Tribunal has carried out an urgent inquiry into the Bill, and found that it breaches Te Tiriti in numerous ways. The Tribunal has said that if the Bill passed, it would be the “the worst, most comprehensive breach of the Treaty in modern times.”

### **It involves one partner to Te Tiriti seeking to change how it is interpreted, without discussion with, or agreement from, the other.**

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<sup>1</sup> Waitangi Tribunal [Te Roroa Report](#) (Wai 38, 1992) citing Bishop Manuhua Bennett at p 30.

This breaches Te Tiriti, human rights standards, and principles of good faith and good governance.

**It is unnecessary, lacks policy justification and will create uncertainty.**

The Waitangi Tribunal and the courts have developed a robust set of principles over the past 50 years. These principles include:

- principles of Tino Rangatiratanga and Kāwanatanga, which explain the respective rights and authority Te Tiriti partners agreed to; and
- principles of good faith, good governance, equity, partnership and reciprocity – which deal with their respective responsibilities and the relationship between them.

By scrapping existing principles, and replacing them with completely new and unfounded ones, the Bill will more likely create significant uncertainty. Proceeding with the Bill goes against advice from Government officials, the Waitangi Tribunal and numerous legal experts.

**It is having, and will have further negative effects on New Zealand society, with especially harmful impacts on Māori.**

The Commission's view (and that of the Waitangi Tribunal) is that the Bill is likely to cause harm – to race relations, social cohesion and especially to Māori.

Progressing a Bill that is based on and promotes such flawed interpretations and information, will not help to progress a constructive conversation on these issues. Rather it is likely to foster misinformation, racism and division.

The Commission would rather see an inclusive national conversation that is based on human rights and Te Tiriti, and which supports informed and respectful discussion.

**The Commission recommends:**

- Halting the Bill immediately, and instead holding a constructive, respectful, and informed national conversation on Te Tiriti
- Correcting the Bill's false interpretations, by widely sharing the Waitangi Tribunal's findings on the Bill in its [Ngā Mātāpono](#) report; and through other initiatives that build understanding of Te Tiriti, the Declaration, and human rights.
- Progressing constitutional conversations in partnership with hapū and iwi, through an inclusive process
- Implementing the Waitangi Tribunal's [Ngā Mātāpono](#) report recommendations, and ensuring any future review of the Tribunal helps to strengthen it
- Resuming work on a national action plan for the Declaration in partnership with Tangata Whenua.