

**SUBMISSION OF THE NATIONAL IWI CHAIRS FORUM UNDER THE  
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)  
REGARDING THE LIST OF ISSUES FOR NEW ZEALAND**

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Tēnā koutou,

We write as representatives of the National Iwi Chairs Forum, the national collective of iwi chairpersons who represent hapū (Māori nation groupings) and iwi (confederations of hapū). The forum functions in accordance with tikanga (Māori law) and on the basis of He Whakaputanga o te Rangatiratanga o Nu Tireni (He Whakaputanga), te Tiriti o Waitangi (te Tiriti) and the United Nations Declaration on the Rights of Indigenous Peoples. It meets regularly to discuss and act collectively on issues ranging from constitutional transformation, resource protection and recovery and economic development. The National Iwi Chairs Forum also addresses government policy and practice as it impacts on Māori and engages in regular dialogue with government representatives on priorities, issues and projects.

We request the Committee's urgent consideration of the following issues when adopting the List of Issues for the New Zealand government:

**1. PRINCIPLES OF THE TREATY OF WAITANGI BILL<sup>1</sup>**

The Treaty of Waitangi is an acknowledged component of New Zealand's constitutional regime. Since 1975 it has been referenced in legislation. The New Zealand court system and the Waitangi Tribunal have developed clear jurisprudence in the 50 years since known as Treaty "principles" to: define and uphold the rights and obligations agreed in 1840 and enshrined in the Treaty; resolve interpretive difficulties; and, to guide the appropriate application of Crown power in New Zealand. This bill seeks to replace these well-developed Treaty Of Waitangi principles (such as partnership, participation, rights to redress, equity) with three new "principles" sourced in libertarian political ideology not the Treaty.

Proposed Principle 1: The Government of New Zealand has full power to govern, and Parliament has full power to make laws. They do so in the best interests of everyone, and in accordance with the rule of law and the maintenance of a free and democratic society.

Proposed Principle 2: The Crown recognises the rights that hapū and iwi had when they signed the Treaty/te Tiriti. The Crown will respect and protect those rights. Those rights differ from the rights everyone has a reasonable expectation to enjoy only when they are specified in Treaty settlements.

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<sup>1</sup> <https://www.legislation.govt.nz/bill/government/2024/0094/latest/whole.html>

Proposed Principle 3: Everyone is equal before the law and is entitled to the equal protection and equal benefit of the law without discrimination. Everyone is entitled to the equal enjoyment of the same fundamental human rights without discrimination.

Upon passing, the bill will introduce a public referendum on the proposed principles.

## 2. REGULATORY STANDARDS BILL<sup>2</sup>

The Regulatory Standards Bill creates a new regulatory regime based upon libertarian standards for the rule of law, liberties, taking of property, taxes, fees and levies, role of courts, good law-making and regulatory stewardship. It does not include any reference to te Tiriti o Waitangi. The bill proposes a mechanism for assessing whether new laws were consistent with the proposed standards, and where they weren't, whether the departure was justified. The New Zealand Bill of Rights Act which protects fundamental human rights such as the right to life and liberty, this Bill provides similar protections for private property rights without due regard to other matters such as public good, indigenous and human rights, environmental or social values.

The bill further proposes the establishment of a Regulatory Standards Board which would assess concerns raised around the consistency of regulation with the proposed criteria, This board would be appointed by the Regulation Minister (currently ACT party leader David Seymour, author to the bill) and would reduce the recourse and broader oversight role of the New Zealand judiciary.

### CONCERNS

- Both bills represent radical constitutional shifts that will result in immediate and sustained reductions in human rights and Indigenous rights protections throughout the New Zealand government's legislative and regulatory framework.
- Both bills weaken New Zealand's human rights regulatory regime.
- Both bills contradict prior conclusions and recommendations by the Human Rights Committee to align with the ICCPR.<sup>3</sup>
- Both bills further contradict prior conclusions and recommendations from multiple United Nations Treaty and advisory bodies including the Working Group on the Universal Periodic Review of Human Rights<sup>4</sup>, the Committee on the Rights of the Child<sup>5</sup>, the Committee for the Elimination of Racial Discrimination<sup>6</sup>, the Committee on the Elimination of Discrimination Against Women<sup>7</sup>, and the Expert Mechanism for the Rights of Indigenous Peoples<sup>8</sup>.

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<sup>2</sup> <https://www.regulation.govt.nz/our-work/regulatory-standards-bill/>

<sup>3</sup> <https://undocs.org/CCPR/C/NZL/6>

<sup>4</sup> <https://documents.un.org/doc/undoc/gen/g24/089/58/pdf/g2408958.pdf>

<sup>5</sup> <https://documents.un.org/doc/undoc/gen/g23/023/44/pdf/g2302344.pdf>

<sup>6</sup> <https://www.ohchr.org/en/documents/concluding-observations/cerdcnzlco21-22-committee-elimination-racial-discrimination>

<sup>7</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCO%2FNZL%2FCO%2F9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FCO%2FNZL%2FCO%2F9&Lang=en)

<sup>8</sup> <https://documents.un.org/doc/undoc/gen/g21/215/48/pdf/g2121548.pdf>,

<https://documents.un.org/doc/undoc/gen/g21/215/48/pdf/g2121548.pdf>

- Both bills perpetuate systemic discrimination against Māori and fail to align with New Zealand’s obligations under international law.
- Both bills represent an overreach of parliamentary authority and diminish the role of the New Zealand judiciary and Waitangi Tribunal.
- The cumulative effect of these legislative measures violates the overarching principles of equality and non-discrimination enshrined in the ICCPR.
- Both Bills abuse the constitutional arrangements of New Zealand.
- Both bills fail quality standards and are “bad law”.
- Both Bills undermine bipartisan actions towards a more just New Zealand.
- Both bills claim to respect the Treaty and the Bill of Rights but do not.

## Conflicts with Human Rights Committee Recommendations

We note the concluding observations on the sixth periodic report of New Zealand (CCPR/C/NZL/6) and provide reflections on the above Bills in relation to the following recommendations.

### 1. BILL OF RIGHTS

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#### *RECOMMENDATION 10*

*The State party should:*

*Consider amending the Bill of Rights Act 1990 in order to ensure that it incorporates all the rights enshrined in the Covenant;*

*Ensure that draft and enacted legislation that is the subject of negative reporting by the Attorney-General is reviewed in order to ensure consistency with the Bill of Rights Act 1990 and the Covenant;*

*Consider entrenching the Bill of Rights Act 1990 and strengthening the role of the judiciary, as well as parliamentary scrutiny, in assessing the consistency of enacted laws with the Act and the Covenant.*

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- i. The Regulatory Standards Bill seeks to replace the current legislative and regulatory vetting process, previously based upon principles sourced from the Bill of Rights Act 1990 and te Tiriti o Waitangi (The Treaty of Waitangi), with a set of libertarian regulatory standards which prioritise individual and corporate property rights, according them the same (and arguably more) constitutional weight as fundamental human rights. The Treaty Principles Bill does the same, the principles it proposes are libertarian ideals, and do not accurately reflect the agreements reached in 1840 at the signing of te Tiriti o Waitangi. Rather than enhancing alignment between the Bill of Rights Act and the ICCPR, the Regulatory Standards Bill is a radical departure from both instruments. The proposed principles upon which legislation and regulation would be assessed have been roundly criticised by legal experts as prioritising

individual property rights over the Bill of Rights Act<sup>9</sup>. and materially restricting rights protected under the Treaty. The Regulatory Standards Bill claims to protect private property rights whilst both bills at the same time reduce and undermine private property and other rights and protections guaranteed through te Tiriti (by for example, extending Treaty rights to all New Zealanders and by limiting Treaty rights solely to those agreed through settlements with the Crown of historical claims by Māori. Further, property has not been clearly defined within the proposed bill, therefore extending the bill's reach across all tangible and intangible property contexts.<sup>10</sup>

- ii. The Treaty Principles Bill says it does not change the Treaty of Waitangi itself however this obscures the fact that it severely restricts and undermines the effect of the Treaty. The Regulatory Standards Bill wrongly states nothing in it effects the Bill of Rights Act 1990. Elevating it's proposed criteria to the same scope and level of protection as the rights protected under the Bill of Rights, without scrutiny by the courts or requiring balancing against broader values or effects (such as those provided for in the Bill of Rights or the Treaty), effectively limits those broader values.
- iii. The Attorney-General has negatively reviewed aspects of the Treaty Principles Bill. We draw attention to the following advice from the Attorney-General's office in relation to the Treaty Principles Bill:

*“While the Bill proposes the elimination of any differential treatment, it could cause another enactment to be interpreted in a way that causes a material disadvantage to any person who would have relied upon wider principles of the Treaty of Waitangi in the pursuit of claims against the state, other than settlements of historic claims, which are excluded from its scope. Those persons are likely to predominantly be Māori.”*
- iv. The Ministry for Regulation, established by the author of the Regulatory Standards Bill, does not support the bill as it is described in the current discussion document, concluding that there are much better suited means for enhancing New Zealand's regulatory regime than through primary legislation.
- v. The discussion paper for the Regulatory Standards Bill proposes that a board be established to consider complaints about the consistency of regulation with the principles spelled out in the bill. This not only weakens, but significantly reduces the role of the judiciary, who would normally hold the responsibility of regulatory recourse, scrutiny and oversight. This amounts to an extraordinary over-reach of parliament into both the executive and judiciary.
- vi. While Westminster parliamentary systems do emphasise parliamentary sovereignty, that sovereignty is rightfully fettered by constitutional conventions (including separation of powers and due deference to the other arms of government) and checks and balances on the exercise of Crown powers including the judiciary, and within Aotearoa also by te Tiriti o Waitangi. Replacing fifty years of considered jurisprudence of such fundamental constitutional scale and

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<sup>9</sup> See: <https://docs.google.com/document/d/1J09O-BHfIQwVJYkVuldTaPm2zIVaKYd8Z6BFDbXKcRg/edit?tab=t.0>  
<https://melanienelson.substack.com/p/jane-kelsey-submission-on-the-proposed>  
<https://www.lawyersforclimateaction.nz/news-events/e4yk6yyphrtxso6igt82o89d8r6tu0>

<sup>10</sup> <https://melanienelson.substack.com/p/jane-kelsey-submission-on-the-proposed>

importance with factually, historically and legally ill-informed political ideology fails to accord due deference across the branches of government.

## 2. COMBATING STEREOTYPES, RACISM AND OTHER FORMS OF INTOLERANCE

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### *RECOMMENDATION 20*

*The State party should develop and implement a comprehensive national strategy to combat racism, racial discrimination, xenophobia and other forms of intolerance, including racial and religious hatred, with clearly defined targets, systematic data collection, awareness-raising campaigns, training programmes, and programmes for victim rehabilitation and redress.*

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- i) In 2023, the NICF appointed a Tangata Whenua (Indigenous) caucus to work in partnership with the Ministry of Justice towards a National Action Plan Against Racism. A draft action plan was produced over the following 24 months. Throughout this process the Tangata Whenua caucus held two clear positions: that colonial racism against Māori formed the bedrock of racism in Aotearoa, upon which all other forms of white supremacy have proliferated<sup>11</sup>; and the institutional settings of the Crown government provide the context and source of systemic racism in Aotearoa. In March 2024, following indications from the Minister for Justice Paul Goldsmith that he wanted to reduce the focus on colonial racism against Māori, and reduce the focus on institutional racism, it was collectively decided by the Tangata Whenua caucus to withdraw from the government’s national action plan against racism. The NICF are now progressing the Independent People’s Action Plan Against Racism.
- ii) Both bills create a legislative and regulatory regime that will exacerbate systemic racism against Māori and other marginalised communities. Furthermore, the bills have heightened racial tensions within Aotearoa, degraded Māori-Crown relations, and generated significant online and offline hostility towards Māori. Troublingly, this hostility is often associated to the weaponisation of human rights principles, as evidenced by scholars such as Dr. Sanjana Hattotuwa, who noted:

*“comments demonstrate sophisticated deployment of racialised rhetoric, often cloaked in discussions of equality and rights. Historical interpretations of the Treaty of Waitangi are weaponised to advance particular political positions, with selective citation of historical documents and deliberate reframing of colonial relationships... The communication patterns show deliberate escalation of tensions through provocative language, dehumanising rhetoric, and explicit threats of violence. This reveals concerning radicalisation dynamics within social media spaces.”*

## 3. TREATY OF WAITANGI AND THE WAITANGI TRIBUNAL

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<sup>11</sup> This position was also upheld by Non-Māori ethnic community members in the Human Rights Commission report into the impacts of racism in Aotearoa Ki Te Whaia, Ki Te Ao Mārama.

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RECOMMENDATION 46

*The State party should:*

*Strengthen the role of the Treaty of Waitangi in the existing constitutional arrangements;*

*Guarantee the informed participation of indigenous communities in all relevant national and international consultation processes, including those directly affecting them;*

*Implement technical capacity programmes for indigenous communities aiming at their effective participation in all relevant consultation and decision-making processes.*

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- i) The Treaty Principles Bill weakens the role of te Tiriti o Waitangi in existing constitutional arrangements, through replacing the principles developed through the Waitangi Tribunal and New Zealand Court system with principles developed entirely by the New Zealand ACT Party, in the absence of Māori as the treaty partner. These principles erase the Indigenous status of Māori, according the right of self-determination that is uniquely provided to Māori within an Indigenous context, to all New Zealanders.
- ii) The Regulatory Standards Bill makes no reference to the Treaty of Waitangi or the Bill of Rights Act as regulatory standards, aiming to instead empower libertarian regulatory standards as the pre-eminent standards which all laws must meet. This diminishes the status of te Tiriti o Waitangi and the Bill of Rights.
- iii) In both cases, Māori have been excluded from the drafting of these bills, and the Crown has consistently ignored the strong opposition of Māori to the bills, which includes:
  - A petition opposing the Treaty Principles Bill which has gathered over 296 thousand signatures<sup>12</sup>
  - The largest protest march in New Zealand history, including multiple marches throughout New Zealand (thousands of daily participants over ten days) as well as the final march to parliament (estimates of which range from 40,000 – 100,000)<sup>13</sup>
- iv) Submissions to the Treaty Principles Bill have also broken records, with over 300,000 submissions responding to the Justice Select Committee call for written submissions (nearly three times the largest amount of submissions for previous bills)<sup>14</sup>. While the

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<sup>12</sup> <https://our.actionstation.org.nz/petitions/kati-stop-the-introduction-of-the-treaty-principles-bill>

<sup>13</sup> <https://www.rnz.co.nz/news/te-manu-korihi/534466/the-biggest-difference-between-hikoi-mo-te-tiriti-and-past-hikoi-more-support-from-non-maori>

<sup>14</sup> <https://www.rnz.co.nz/news/political/538986/treaty-principles-bill-number-of-total-submissions-to-be-revealed-on-thursday>

Regulatory Standards Bill has not yet been introduced to parliament, and is still in public consultation stages the Ministry for Regulation has received over 23,000 email submissions (compared to 50 submissions when the bill was previously consulted upon in 2011).<sup>15</sup>

- v) The effective participation of Māori and other impacted communities has also been hindered by the actions of the Crown in relation to the Regulatory Standards Bill and the Principles of the Treaty of Waitangi Act, which were both opened for public feedback at the same time, over the Christmas holiday period, with a relatively brief timeframe considering the constitutional significance of both bills. The Regulatory Standards Bill consultation process has been criticised for using overly complex language and leading questions.

#### 4. DISSEMINATION OF INFORMATION RELATING TO THE COVENANT

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*RECOMMENDATION 49.*

*The State party should widely disseminate the Covenant, its two Optional Protocols, its sixth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.*

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- i) We note here that both bills have couched their ideology in the language of human rights, particularly that of equality, in a way that subverts human rights language and effect, obscures the erasure of important roles the New Zealand Court system and te Tiriti o Waitangi play in the protection of human rights for marginalised groups, and in particular for Māori, and also obscures and the necessity of equity in achieving true equality.
- ii) We recognise that the weaponisation of human, civil and political rights principles against marginalised groups to deny them unique protections or undermine their legal rights is not unique to New Zealand, but represents a broader global phenomena within conservative and far right political spheres. Dr Hattotuwa's observations cited in response to recommendation 20 above indicate that the lack of education on the Covenant and on human rights in general forms a backdrop upon which the weaponisation of human rights terminology takes place. This underscores the urgent need for promotion and education on human, civil and political rights as they relate to marginalised groupings, and national contexts.

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<sup>15</sup> <https://www.rnz.co.nz/news/political/538931/the-regulatory-standards-bill-what-you-need-to-know>

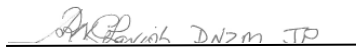
We have attached a table in Appendix 1 which highlights the conflicts with the ICCPR and prior recommendations.

We request that these matters be raised in the list of issues for New Zealand to report back upon.

Given the urgency and gravity of these issues, we respectfully request an opportunity to meet with Committee members for an informal briefing during the 143rd session in Geneva. We believe this would provide a valuable opportunity to discuss these matters in greater detail and assist the Committee in formulating a comprehensive List of Issues for New Zealand.

We remain committed to supporting the Committee's work and upholding the human rights obligations enshrined in the ICCPR. Thank you for your attention to these critical matters.

Ngā mihi nui,



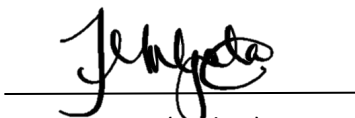
Te Kahurangi  
Dame Naida Rangimarie Glavish  
DNZM MP



Professor Margaret Mutu



Rahui Papa



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Cc: Office of the United Nations High Commissioner for Human Rights



| COVENANT ARTICLE   | COVENANT CONFLICT  |
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| <p>Article 1</p> <p>1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.</p>   | <p>Treaty Principles Bill</p> <ul style="list-style-type: none"> <li>➤ Unique expressions of self-determination that are rooted in the Indigenous status of Māori, expressed within te Tiriti o Waitangi as <i>tino rangatiratanga</i>, are removed by virtue of being extended to Non-Māori.</li> </ul> <p>Regulatory Standards Bill</p> <ul style="list-style-type: none"> <li>➤ Ignores te Tiriti o Waitangi including the treaty enshrined right to <i>tino rangatiratanga</i> (self-determination)</li> </ul>   |
| <p>Article 2</p> <p>1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> <p>2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.</p> <p>3. Each State Party to the present Covenant undertakes:</p> <ol style="list-style-type: none"> <li>(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;</li> <li>(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial,</li> </ol> | <p>Treaty Principles Bill</p> <ul style="list-style-type: none"> <li>➤ The bill includes disproportionate impacts upon Māori.</li> <li>➤ The Crown is approaching a treaty relationship with unilateral authority, making a political distinction towards te Tiriti o Waitangi that it does not make towards any other treaty.</li> <li>➤ The bill diminishes New Zealand's ability to give effect to the rights recognised in the Covenant specifically the political status of Māori as a treaty partner, and security of Māori civil and political rights.</li> <li>➤ The bill reinterprets the principles upon which the New Zealand Courts and Waitangi Tribunal may assess violation of Māori rights enshrined within te Tiriti o Waitangi, diminishing Māori capacity to challenge laws and policies that disproportionately affect our communities.</li> </ul> <p>Regulatory Standards Bill</p> <ul style="list-style-type: none"> <li>➤ Imposes procedural barriers that diminish Māori capacity to challenge laws and policies that disproportionately affect our communities by replacing the New Zealand courts and Waitangi Tribunal roles with a ministerially appointed board that holds no competency standards for adjudication over such matters.</li> <li>➤ These bills are being progressed notwithstanding failing the quality standards legislation is currently subject to. Both bills have failed</li> </ul> |

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| <p>administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;</p> <p>(c) (c) To ensure that the competent authorities shall enforce such remedies when granted.</p>   | <p>to demonstrate they are needed, or achieve their stated purposes, or will be effective. They have failed to meet process requirements, nor basic natural justice norms. The opportunity for public input has been limited and there has been no targeted consultation with Māori, let alone partnership. They duplicate and subvert existing quality standards and checks and balances on the exercise of government power and propose ill-considered standards.</p>  |
| <p>Article 5</p> <ol style="list-style-type: none"> <li>1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.</li> <br/> <li>2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.</li> </ol> | <p>TREATY PRINCIPLES BILL and REGULATORY STANDARDS BILL</p> <ul style="list-style-type: none"> <li>➤ The rights enshrined within the covenant have been repeatedly weaponised both within the content of the bills and the rhetoric used by the bills’ authors and supporters, leading to a racially hostile social context for Māori</li> </ul>   |
| <p>Article 18</p> <ol style="list-style-type: none"> <li>1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.</li> </ol>  | <p>TREATY PRINCIPLES BILL</p> <ul style="list-style-type: none"> <li>➤ Māori experience disproportionate barriers to the maintenance and exercising of their traditional belief system, due to the enduring legacy of colonial racism.</li> <br/> <li>➤ The traditional belief system of Māori (Ātua Māori) is dependent upon connection to the environment, language, and cultural practices, all of which are protected by the principles of te Tiriti o Waitangi, and are therefore inhibited by the bill.</li> </ul> |

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| <p>2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.</p> <p>3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.</p> <p>4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.</p> |  |
| <p>Article 20</p> <p>2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.</p>  | <p>TREATY PRINCIPLES BILL and REGULATORY STANDARDS BILL</p> <ul style="list-style-type: none"> <li>➤ Racially hostile ideologies and misleading rhetoric espoused by the bill's authors and supporters have incited discrimination and hostility towards Māori.</li> </ul>   |
| <p>Article 25</p> <p>Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:</p> <p>(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;</p> <p>(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;</p> <p>(c) To have access, on general terms of equality, to public service in his country.</p>                                   | <p>TREATY PRINCIPLES BILL AND REGULATORY STANDARDS BILL</p> <ul style="list-style-type: none"> <li>➤ The lack of transparency, consultation and reasonable timeframes have deliberately inhibited participatory rights, leading to an unfair burden upon Māori communities to educate and mobilise around the bill.</li> </ul> |
| <p>Article 27</p> <p>In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own</p>   | <p>TREATY PRINCIPLES BILL AND REGULATORY STANDARDS BILL</p> <ul style="list-style-type: none"> <li>➤ Removes and/or ignores Treaty-based protections for Māori to enjoy our own culture, use our language and practice our own traditional faith system.</li> </ul>  |

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| <p>culture, to profess and practise their own religion, or to use their own language.</p>  |  |
| <p><b>COMMITTEE RECOMMENDATION (CCPR/C/NZL/6)</b></p>  | <p><b>CONFLICT</b></p>   |
| <p>10. The State party should:</p> <ol style="list-style-type: none"> <li>a. Consider amending the Bill of Rights Act 1990 in order to ensure that it incorporates all the rights enshrined in the Covenant;</li> <li>b. Ensure that draft and enacted legislation that is the subject of negative reporting by the Attorney-General is reviewed in order to ensure consistency with the Bill of Rights Act 1990 and the Covenant;</li> <li>c. Consider entrenching the Bill of Rights Act 1990 and strengthening the role of the judiciary, as well as parliamentary scrutiny, in assessing the consistency of enacted laws with the Act and the Covenant.</li> </ol> | <p>TREATY PRINCIPLES BILL:</p> <ul style="list-style-type: none"> <li>➤ te Tiriti o Waitangi (The Treaty of Waitangi) is an acknowledged part of New Zealand’s human rights regulatory regime, alongside the Bill of Rights Act. Importantly, it provides a protective function for the human rights of Māori, which have historically not received equitable protection under the Bill of Rights Act. The Attorney-General has noted that Māori in particular may be materially disadvantaged if the bill is passed.</li> <li>➤ In replacing the Treaty principles, the bill restricts the ability of the Waitangi Tribunal, a standing commission of inquiry tasked to issue recommendations to government based upon the Treaty principles developed by the Tribunal and the New Zealand courts, thereby weakening the role of the New Zealand judiciary and scrutineering regime.</li> </ul> <p>REGULATORY STANDARDS BILL</p> <ul style="list-style-type: none"> <li>➤ Diminishes the rights enshrined within the Bill of Rights Act and removes the role of the judiciary in relation to recourse, assessment, oversight and adjudication over inconsistency of laws and regulations.</li> <li>➤ Empowers Individual and Corporate property rights which are not enshrined within the Bill of Rights Act, and makes no mention of the relative priority of the rights enshrined within the covenant or the Bill of Rights Act.</li> <li>➤ Has been assessed by the Attorney-General as creating material disadvantages for Māori</li> </ul> |

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| <p>20. The State party should develop and implement a comprehensive national strategy to combat racism, racial discrimination, xenophobia and other forms of intolerance, including racial and religious hatred, with clearly defined targets, systematic data collection, awareness-raising campaigns, training programmes, and programmes for victim rehabilitation and redress.</p>   | <p>TREATY PRINCIPLES BILL and REGULATORY STANDARDS BILL</p> <ul style="list-style-type: none"> <li>➤ Heightens racial tensions</li> <li>➤ Corrodes relations between Māori and the Crown</li> <li>➤ Is based upon a racially hostile ideology that unique rights protections for Māori are a form of unfair privilege Caused increased, documented racial hostility towards Māori</li> </ul>  |
| <p>46. The State party should:</p> <ol style="list-style-type: none"> <li>a. Strengthen the role of the Treaty of Waitangi in the existing constitutional arrangements;</li> <li>b. Guarantee the informed participation of indigenous communities in all relevant national and international consultation processes, including those directly affecting them;</li> <li>c. Implement technical capacity programmes for indigenous communities aiming at their effective participation in all relevant consultation and decision-making processes.</li> </ol> | <p>TREATY PRINCIPLES BILL</p> <ul style="list-style-type: none"> <li>➤ Weakens the political status of te Tiriti o Waitangi (the Treaty of Waitangi) in our current constitutional arrangements.</li> <li>➤ Ignores the findings of the Waitangi Tribunal regarding the constitutional status of te Tiriti o Waitangi.</li> <li>➤ Has created procedural barriers to the informed participation of Māori</li> <li>➤ Ignores repeated recommendations from numerous United Nations treaty bodies to enhance the constitutional status of te Tiriti o Waitangi</li> <li>➤ Seeks to reinterpret the Treaty in the absence of Maori as the treaty partner and against the advice of multiple constitutional and treaty legal experts, including the King’s Counsel.</li> </ul> <p>REGULATORY STANDARDS BILL</p> <ul style="list-style-type: none"> <li>➤ Ignores te Tiriti o Waitangi (the Treaty of Waitangi)</li> <li>➤ Has created procedural barriers to the informed and effective participation of Māori</li> </ul> |
| <p>49. The State party should widely disseminate the Covenant, its two Optional Protocols, its sixth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.</p>   | <p>TREATY PRINCIPLES BILL AND REGULATORY STANDARDS BILL</p> <p>This has not taken place, contributing to a context wherein human rights are poorly understood, and easily weaponised against Māori, and against instruments intended to protect Māori rights, such as te Tiriti o Waitangi.</p>   |