

## **Treaty Principles Bill, revised submission.**

This is a submission on behalf of Climate Karanga Marlborough (CKM) regarding the Treaty Principles Bill (the Bill) currently before Parliament.

CKM is a growing group of over 140 citizens in Marlborough concerned with bringing the realities of climate breakdown to the people of Marlborough and their representatives in government. Our mission and goals may be found on our website [www.climatekaranga.org.nz](http://www.climatekaranga.org.nz).

CKM submits that the Treaty Principles Bill be withdrawn and scrapped at the earliest opportunity.

Our reasons for so submitting are multifold. We are in unanimous agreement that in itself and in the context of the many changes proposed by the current Coalition Government the Bill will contribute adversely to the changes that are essential for Aotearoa New Zealand, both as a land and as a society as we know it, to adapt to the overheating of our planet.

For the present and Immediate future effects of climate change to mitigate and perhaps reverse, it will take much more and much longer than our present and immediate future technology will manage. We cannot keep going as we are or as the present government proposes.

CKM opposes the Bill in its entirety from legal, social, environmental and climate justice viewpoints and in recognition of the need for a cohesive and resilient society the better to face the challenges of climate adaptation ahead.

1) **Legal, social and environmental justice.** Although the so-called Treaty of Waitangi Principles have been the subject of frequent judicial review in the last 50 years and written into Law, there is no mention of principles in the

Treaty itself, particularly not in Te Tiriti o Waitangi in te reo Māori which has severally been acknowledged legally as the primary agreement at Law signed by over 500 Māori high chiefs and the representatives of the Crown.

2) Te Tiriti was and still is an agreement signed by the representatives of two peoples, not two races. - At the time Māori, the tāngata whenua of “Nu Tireni”, far outnumbered the settlers, so at that time they were the ones termed “New Zealanders”; this is not as the term is used in the Bill.

As a legal and ethical agreement the only principle at stake in te Tiriti o Waitangi is that both sides of the agreement honour their parts. Although Māori have generally honoured their part, for instance in the course of two world wars, it is a matter of record that successive New Zealand governments, representing both the Crown and the people of New Zealand, have not done so.

The present government continues to dishonour the Treaty, the Crown and themselves.

3) In particular, Māori, the New Zealanders in 1840 were promised “undisturbed possession of their Lands” - “o ratou wenua” - a promise not kept and still disputed before the Waitangi Tribunal. It is a promise that cannot simply be extended to all people now living in New Zealand.

It can be argued that the Whenua, the Land, was a silent third partner to the Treaty agreement. Traditionally, Māori have valued the Whenua as a living being, imbued with the spirits of atua and of their tūpuna. In Māori tradition, we come from the Land, we return to the Land, we belong to the Land. In the colonialist tradition, Land and Sea are ours to possess. This is an issue that continues to divide Aotearoa New Zealand.

It is clear from the wording of the Treaty that the Crown in

1840 was valuing the land as a commodity to be bought and sold and, as it turned out in the course of the New Zealand Wars, to be confiscated and stolen. Māori became dispossessed of what matters to them most. Eventually, they had little or no Land to which to belong.

4) From a **climate justice** viewpoint, the historic, systemic disadvantaging of Māori, in terms of land, housing, food security, health and economic wellbeing, has kept them disproportionately poor. In those same terms, the destructive effects of global warming, evidenced both in NZ and worldwide, disproportionately affect the poor and disadvantaged. This is cruelly ironic, as it is the poor who contribute least to climate warming.

5) The 'one-person, one vote' argument for the Bill doesn't hold, as it has never been a reality in NZ. The rich and influential have always had greater access to power through lobbying, media exposure and political donations. The poor are marginalised from government and political participation simply by the exigencies of day-to-day living. Hence one can reasonably argue that Māori already have less than 'one person, one vote'.

6) The call for a national referendum to enforce the interpretation of Treaty principles put forward in the Bill further erodes the promise in te Tiriti of Tino Rangatira, which is now commonly translated as the right of Māori self-determination. A referendum is an instrument of complete majority rule subsuming all minorities and potentially overriding their rights. This is patently undemocratic, since respect for minority rights is a basic tenet of democracy. Te Tiriti is a legal covenant between Māori, the indigenous people of Aotearoa represented by the Chiefs, and non-Māori, the settlers represented by the Crown. Changes to te Tiriti should be made in the same way that te Tiriti came to

be signed - a people-to-people discussion - not an imposition by one signatory on the other, simply because they are in a majority.

7) We believe this Bill seriously discriminates against Māori, having been created, contrary to the spirit and intent of the Treaty, with virtually no Māori participation and with the intent of limiting the ongoing application of te Tiriti o Waitangi and hence the mana and status of Māori in their homeland.

8) **The need for a cohesive and resilient society.** In the October 2024 *Report on the potential domestic contribution to Aotearoa New Zealand's second nationally determined contribution (page 5)* the Climate Change Commission acknowledged as a key element "*iwi/Māori climate leadership, expressed through intergenerational taiao strategies grounded in tikanga and Māori mātauranga. ... Our analysis and engagement with communities show this will support faster emissions reduction and help achieve an equitable transition for the benefit of all New Zealanders.*"

9) Disenfranchising Māori via a legislative process redefining their relationship with the Crown without their participation will weaken our society's cohesiveness just when that cohesiveness and a sense of reciprocated belonging are essential for fronting up to climate mitigation, adaptation and disaster response.

10) This is why opposing the Treaty Principles Bill really matters to us and unites the members of Climate Karanga Marlborough. Many of us, who are Tāngata Tiriti, experience a sense of shame, as opposed to guilt, toward the Tāngata Whenua, whose ancestors generally signed Te Tiriti in good faith. We are united in the conviction that, *if* the Crown had been truly honouring the Treaty, we would now be in a better position of mutual trust to deal with climate change.

'If' is a word inviting speculation, yet there is nothing speculative in the agreement constituted in te Tiriti in te reo Māori, other than the introduction from a Crown perspective of the idea of *kawanatanga*, which has proved to be untrustworthy.

### **Summary and conclusion.**

In summary, Climate Karanga Marlborough acknowledges te Tiriti o Waitangi as an agreement between two peoples that has still to be fully honoured. We argue that this is the primary ethical and legal 'principle' at stake. The Treaty Principles Bill presently before Parliament does not honour this principle. In fact, not only does the Bill discriminate against Māori, it challenges the mana of Māori and threatens to destabilise the cohesion of our society at a time when we need to be cohesive and resilient in order to face the challenges of climate change in the years ahead. We need Māori climate leadership to do so, as the Climate Commission has strongly advised.

Climate Karanga Marlborough vigorously opposes the Treaty Principles Bill, including the stance adopted by the leader of the National Party. We see his stance as one of political expediency, not wanting to upset his coalition partners, placing more importance on a temporary political coalition agreement than on the Waitangi agreement at the foundation of our nation.

Historically, Westminster-style governments have treated te Tiriti o Waitangi expediently, ducking the issue whether the land and waters belong to us or we belong to the Land and Water. Climate breakdown is adding urgency to the matter of our belonging.