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Treaty Principles Bill Submission

Greenpeace Aotearoa

SUBMITTER DETAILS

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Introduction

We thank the Select Committee for the opportunity to submit on this Bill.

Greenpeace opposes the Treaty Principles Bill in its entirety because we believe that protecting Te Tiriti is the responsibility of everyone who calls Aotearoa New Zealand home and because it is inextricably entwined with our mission to protect nature and peace.

Te Tiriti o Waitangi is a “*promise of two peoples to take the best possible care of each other.*” Through it, Māori gave the Crown the authority to set up a government for her people who had settled or were to settle in Aotearoa while promising the protection of ongoing Māori sovereignty over their lands, territories and resources. It is a vital agreement for everyone who calls Aotearoa New Zealand home, and it is the responsibility of all New Zealanders to honour it.

Since 1840, successive governments have breached that foundational agreement. The Treaty Principles have provided a framework to make progress in addressing those breaches and the painful truth of the history of colonisation, including its present-day impacts on both people and nature.

This attempt by the ACT party to unilaterally rewrite these principles represents a huge backward step in the reconciliation of our nation and the coming together of our cultures. It should be rejected. Anyone who has been welcomed back to Aotearoa New Zealand, via the carved gateway (tomokanga) and birdsong at Auckland International Airport, will sense that this Bill strikes at the very heart of our identity as New Zealanders.

The Bill removes important protections for people and nature

Te Tiriti o Waitangi is critical for protecting the people, land, and seas of Aotearoa from unrestrained corporate exploitation.

The forces pushing against Indigenous self-determination via the Treaty Principles Bill are clearly the same forces that have no regard for the importance of the natural world.

Like the Fast Track Bill, the Treaty Principles Bill clears the way for damaging projects such as seabed mining in the South Taranaki Bight, new coal mines on conservation land and irrigation schemes that would drain rivers and pollute drinking water. Because these kinds of damaging projects have been successfully resisted by iwi and in the courts, ACT has accurately identified that Te Tiriti is an effective restraint on corporate exploitation.

David Seymour is trying to convince New Zealanders that his Treaty Principles Bill is about equal rights. But there is nothing equal about the fact that corporate donors and lobbyists have outsized access to our democratically-elected decision-makers. Eroding the Treaty Principles will only widen this inequality gap between everyday people and corporations and pave the way for unrestrained developments that line shareholder pockets while eroding the natural and physical infrastructure that sustains us.

The Bill is divisive

The Bill is based on historical inaccuracies and appears driven by political motives to redefine the Treaty of Waitangi's role. It attempts to undo decades of legal understanding and to misuse government power to take away Māori rights promised under the Treaty. This continues a trend of policies and laws from the coalition Government that undermine Māori rights, such as proposed changes to coastal and marine area legislation.

The Bill knowingly misinterprets the articles of Te Tiriti o Waitangi. It is already creating division and if it progresses, it could set back our journey of reconciliation as a nation by decades.

The Bill is based on bad faith and dishonest arguments, and even though Te Tiriti was an agreement between Māori and the Crown, Māori were not properly consulted in the drafting of the Treaty Principles Bill.

We agree with the [Waitangi Tribunals' finding](#) that if the bill were to be enacted, it would be the “*worst, most comprehensive breach of the Treaty/te Tiriti in modern times*” and even said that the bill could mean the end of the Treaty itself if it was not repealed.

“Underlying the significant change across all statutory regimes that affect Māori, the Bill would end the Treaty/te Tiriti partnership and any formal relationship between the Crown and Māori.

“At present, the progressing of the Bill is having serious impacts on the relationship but the Bill if enacted would kill that relationship. This is deliberate.”

The Bill is disingenuous and fundamentally political

The Bill is not the work of considered legal or historical interpretation or a good faith effort to embody the spirit and purpose of the Treaty.

The Bill purports to provide “greater certainty and clarity to the meaning of the principles in legislation”, but this is misleading. There is no uncertainty, nor any lack of clarity, as to the meaning of the principles of the Treaty of Waitangi. Those principles are well settled by decades of judicial authority.

Core principles include:

- Partnership and good faith
- Freedom of the Crown to govern
- The Crown's duty to actively protect Māori and Māori interests
- A duty upon the Crown to remedy past breaches
- Māori retention of rangatiratanga over resources and taonga
- A duty upon the Crown to consult with Māori on matters that affect Māori interests

These existing principles are an imperfect yet reasonably clear and functional embodiment of the terms of the Treaty. They are well-established features of the Constitution of New Zealand. The existing principles do not unduly favour Māori or Māori interests. On the contrary, the existing principles could fairly be criticised as being more favourable to the Crown than the terms of the Treaty itself.

The Bill should be rejected in its entirety

New Zealanders care deeply about the health of the places they live, the environment and their communities. Those of us living now and future generations deserve clean land, air, and water that keeps us healthy and thriving long into the future. Te Tiriti is one of our best defenses against unrestrained environmental exploitation, and it benefits us all.

The Treaty Principles have provided a framework to make slow, difficult progress in addressing the painful truth of the history of colonisation and its present-day impacts on people and nature. Moving forward to embrace and celebrate the coming together of our cultures is a strongly-held value in our identity as New Zealanders. The Treaty Principles Bill would take us backwards.

Greenpeace opposes the Bill and recommends that it be rejected in its entirety.

Annex 1 - About Greenpeace Aotearoa

Greenpeace is a global, independent campaigning organisation that acts to protect and conserve the environment and to promote peace. Greenpeace is one of the world's largest and oldest environmental organisations, operating for more than half a century, since 1971, and now works in more than 55 countries.

The New Zealand branch of Greenpeace (Greenpeace Aotearoa) was founded in 1974 and has grown to represent 32,000 financial donors and tens of thousands of supporters. Our mission is to ensure Earth's ability to nurture life in all its diversity.

Greenpeace Aotearoa recognises Te Tiriti o Waitangi, signed in Te Reo Māori on 6 February 1840, as the foundation for the relationship between the Crown (and so the New Zealand Government) and the indigenous hapū of Aotearoa. Greenpeace Aotearoa recognises that Te Tiriti o Waitangi affirmed the sovereignty of the tangata whenua, which has never been relinquished despite the violent colonisation of Aotearoa.