

TIRITI O WAITANGI ASSESSMENT OF NZ UK FTA

WHAT AND WHY?



THE TIRITI O WAITANGI VS THE UK NZ FREE TRADE TREATY

Ngā Rangatira and the British Crown made He Whakaputanga/the Declaration of Independence in 1835 and signed Te Tiriti o Waitangi in 1840.

Māori were guaranteed ongoing control of their people, resources and lives, while the Crown was responsible for their own.

The British and NZ Crown have never honoured Te Tiriti o Waitangi.

On 28 February 2022 the British and NZ governments signed a free trade agreement. Only the Crown was at the negotiating table.



THE TIRITI O WAITANGI VS THE UK NZ FREE TRADE TREATY

**This Tiriti o Waitangi assessment
measures that agreement against**

- the UK/NZ Crown's obligations under the 4 articles of Te Tiriti o Waitangi and
- the Kaupapa of Ngā Toki Whakarururanga in the Mediation Agreement between Māori claimants and the Crown in the Waitangi Tribunal Inquiry on the TPPA (Wai 2522).

WHY HAVE A TIRITI ASSESSMENT OF THE FTA?

The UK FTA text was secret until after it was signed on 28 February 2022.

Anyone who was told what was in it was sworn to secrecy.

That included Māori advisors who saw the text at the end of 2021 when it was almost finished but couldn't tell the people what was in it.

Now the text has been signed it can't realistically be changed (until a review in 7 years time, maybe).

THE TIRITI ASSESSMENT AIMS TO HOLD THE CROWN TO ACCOUNT

The FTA went to Parliament, where a select committee gave 10 days to make submissions on that 1700 page text and 10 minutes to present them.

The Select committee and Parliament can't change the FTA anyway.

The Crown agency that negotiated the FTA (MFAT) also wrote the National Interest Analysis.

That tells the 'good news story' for NZ and Māori from the Crown side.

This Tiriti o Waitangi Assessment aims to provide some balance by viewing the FTA thru a Tiriti o Waitangi lens and holding the Crown accountable, even if it is after the fact.

THE TIRITI ASSESSMENT FRAMEWORK

SEPARATE ASSESSMENTS HAVE BEEN MADE OF:

**Te Tiriti o Waitangi and
Rangatiratanga**

**Māori Trade and
Economic Cooperation
chapter**

**Mātauranga Māori, data
and digital trade**

**Mātauranga Māori, Wai
262 & Te Pae Tawhiti**

**Māori Exporters,
Wahine and Kaimahi**

Te Taiao

REFERENCE POINTS FOR TE TIRITI ASSESSMENT:

TE TIRITI O WAITANGI ARTICLES

KAWANATANGA – ARTICLE 1:

Government exercises authority over its own and any authority positively delegated by Māori, subject to the obligation to recognise rangatiratanga and ensure the protection of Māori rights, interests, duties and responsibilities.

TINO RANGATIRATANGA - ARTICLE 2:

Rangatira have unfettered ongoing power and responsibility to ensure the exercise of Māori authority collectively over their own affairs and resources in a manner consistent with tikanga Māori.

ORITETANGA - ARTICLE 3:

Māori and the Crown's people have parity and equity in rights and outcomes, meaning equal rights
to define and pursue aspirations according to a people's fundamental principles, laws and beliefs.

HE WHAKAPONO - 4TH ARTICLE:

guarantees the active protection of philosophies, beliefs, faiths and laws.

NGĀ TOKI
WHAKARURURANGA

KAUPAPA

“Mana whakahaere
in the global domain is
informed by Rangatiratanga and
Kāwanatanga working together
in a mana-enhancing
relationship of equals consistent
with Te Tiriti o Waitangi and He
Whakaputanga o Te
Rangatiranga o Nu Tireni”

KAUPAPA FROM THE MEDIATION AGREEMENT

Shared authority in the international domain

Preserve mana tuku iho and mana whakahaere

Responsibilities of Rangatira as leaders to preserve and uphold the mana and rangatiratanga of their hapū and the responsibilities of the Crown to represent Tauwiwi

Importance of tikanga-based trading relationships

Exercise of mana and tino rangatiratanga through effective participation in decision-making

A new approach to trade policy and negotiation of international trade agreements that gives effect to the Tiriti relationship by collective, participatory, and accountable processes

Te Tiriti/the Treaty as a relationship of equals.

**NGĀ TOKI
WHAKARURURANGA**