

TIRITI O WAITANGI ASSESSMENT OF NZ UK FTA:

WHAT AND WHY?

**This analysis is as accurate as possible within the time available*



THE TIRITI O
WAITANGI VS
THE UK NZ
FREE TRADE
TREATY

Ngā Rangatira and 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 and
- the Kaupapa of Ngā Toki Whakarururanga (NTW) in the Mediation Agreement between Māori claimants and the Crown in the Waitangi Tribunal Inquiry on the TPPA (Wai 2522).

WHY HAVE A TIRITI IMPACT 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.



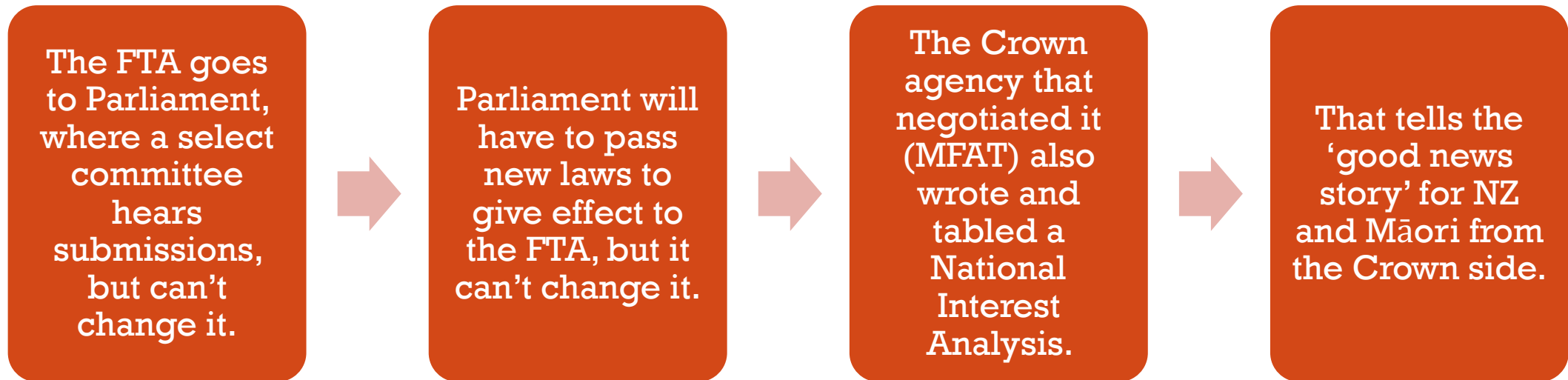
That included NTW advisors who saw the text at the end of 2021 when it was almost finished but couldn't tell people what was in it.



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



WHY HAVE A TIRITI IMPACT ASSESSMENT OF THE FTA?



This Tiriti o Waitangi Assessment balances that by viewing the FTA thru a Tiriti lens and aims to hold the Crown accountable, even if it is after the fact.





**WHAT CAN YOU
DO?**

The FTA has now gone to Parliament;

with the National Impact Analysis written by MFAT.

The Foreign Affairs, Defence and Trade Committee has

given people just 10 days to make submissions;

on a text that was secret until 1 March.

In this short time, we have prepared some Tiriti assessments to help you understand the FTA through a Tiriti lens, and to make a submission

and write to all the Māori MPs

asking if they know what it really says.



**MAKE YOUR
SUBMISSIONS
HERE:**

The select committee has given just 10 days to make submissions with closing date of Sunday 13 March:

- Make a submission even if it is just one paragraph long,
- https://www.parliament.nz/en/pb/sc/make-a-submission/document/53SCFD_SCF_ITE_119891/international-treaty-examination-of-the-uk-nz-free-trade
- Demand that the Māori Affairs Committee also holds hearings on it.

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

Te Taiao

Businesses,
kaimahi and
wāhine Māori



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.



**NGA TOKI
WAHAKARURURANGA
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 Tauīwi

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

Gives effect to Te Tiriti/the Treaty as a relationship of equals.

