



# ELDH European Association of Lawyers for Democracy & World Human Rights

WITH LAWYERS  
IN 23 COUNTRIES

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights  
No Racism Peace No Torture No War  
Self-Determination of Peoples Democracy  
Human Rights Rights of Migrants

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## Statement of the European Lawyers for Democracy and World Human Rights (ELDH) Opposition to the New Zealand Treaty Principles Bill

The European Lawyers for Democracy and World Human Rights (ELDH) expresses its profound concern regarding the proposed Treaty Principles Bill currently under consideration by the New Zealand Government. This legislation seeks to redefine the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), a foundational constitutional document of Aotearoa New Zealand that establishes the relationship between Māori as the indigenous people and the Crown.

The proposed Bill undermines established principles of partnership, active protection, equity, and redress that have been recognised through legislative, judicial, and executive measures over decades. It attempts to unilaterally alter the meaning of the Treaty, disregarding the spirit and intent of this historic agreement.

We are alarmed by the Bill's provisions, which:

1. Restrict Māori rights to those that existed in 1840, ignoring the evolving understanding of indigenous rights and the impact of colonisation;
2. Undermine the Crown's guarantee of tino rangatiratanga (self-determination) for Māori communities, lands, and taonga (treasured possessions);
3. Fail to recognise the unique rights of Māori under both domestic law and international standards, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); and
4. Exclude judicial oversight, a critical safeguard for the protection of indigenous and minority rights.

ELDH European Association of Lawyers for Democracy & World Human Rights

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Furthermore, we are deeply concerned about the inadequate process underpinning this Bill, which has lacked meaningful consultation with Māori communities and broader public participation. Constitutional reform of this magnitude must be approached with the utmost care, transparency, and respect for democratic principles.

The Treaty of Waitangi has significant constitutional and international legal status. Former Chief Justice Dame Sian Elias has described it as “constitutional” because it was constitutive of the new State of New Zealand. The Court of Appeal has recognised it as “the starting point for the legitimacy narrative of New Zealand’s constitutional arrangements” (*Ngaronoa v Attorney-General* at [60]). Dame Elias has further noted that sovereignty ceded by Māori under Article 1 was subject to the guarantees of Article 2, meaning the Crown’s power was explicitly tied to the protection of Māori rights. This principle reflects the Crown’s obligation to actively preserve the rights and privileges promised to Māori.

ELDH also acknowledges the significant historical complexities surrounding the Treaty. Some Māori rangatira chose not to sign the Treaty, and others expressed concerns about its implications for their chiefly authority, which they feared would be undermined under the Crown’s governance (see Ranginui Walker, *Ka Whawhai Tonu Matou, Struggle Without End*). These objections underscore the need for any reinterpretation of the Treaty to be approached with respect for its historical, cultural, and constitutional significance.

The ELDH stands in solidarity with Māori communities and their ongoing protests and marches against this Bill, including the recent nine days march which concluded the 21st of November 2024 in front of the Parliament. These actions are a powerful testament to Māori resistance to the erosion of their rights and their unwavering commitment to the principles of Te Tiriti o Waitangi.

We call on the New Zealand Government to abandon this proposed legislation and instead engage in a constructive and inclusive national dialogue to address these complex constitutional issues in good faith. The voices of Māori must be at the forefront of any decisions impacting the Treaty and their rights as the indigenous people of Aotearoa.

We express our full support for the Māori people and their efforts to defend their rights, and we urge the international community to stand with them in solidarity.