

National Issues — Human Rights dimensions of the Treaty

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Hemi, Paula and Marama work for the Human Rights Commission. They have a strong background in Community Development with a focus on empowering communities to be able to fully participate in decision making that affects them.

This workshop comprised a powerpoint presentation setting out rights and responsibilities associated with the Treaty of Waitangi (Te Mana i Waitangi). The Treaty was presented, in the words of former Anglican Bishop Manu Bennett, as the “promise of two peoples to take all possible care of each other.”

Another key concept in the presentation was ‘turangawaewae’, with an emphasis on the rights and responsibilities associated with ‘having a place to stand’ or in the words of Hiwi and Pat Tauroa, ‘where you gain the authority to belong’.

The Treaty created a turangawaewae for all New Zealanders while affirming the turangawaewae that Tangata Whenua already possessed.

Each section of the Treaty was perused:

- The preamble in terms of “Who? What? Why?”
- Article 1: Kawanatanga – Who gained? What rights? What responsibilities?
- Article 2: Rangatiratanga – What was affirmed? Gained? Rights? Responsibilities?
- Article 3: Rite tahi – equality, Turangawaewae (brings non-Māori under the Treaty)
- Article 4: issues of faith and custom addressed

Overall, the presentation set out to set up a balance between the competing rights of the signatories seen in a modern-day context of international human rights norms.

The ensuing discussion raised some questions about the competing claims of the two versions of the Treaty. The Human Rights Commission, following precedents in other government departments, the Waitangi Tribunal and other legal authorities, makes an attempt to find common ground between both versions.

There were suggestions among those present that this makes for a rather fuzzy interpretation which lessens the importance of what Māori brought to the Treaty and considered to be preserved in it.

The overall impression of the presentation was that the Human Rights Commission is seeking to address the fears of ordinary New Zealanders raised in community discussion groups that the full implementation of the Treaty would threaten our way of life. As a result, it tried to find a compromise between the two versions by emphasising the rights and responsibilities of all New Zealanders to exercise fairness to each other in pursuit of the common good.

The following discussion was rather inconclusive on various issues raised but those present were referred to the Human Rights Commission website and in particular to the 2004 document *Human Rights in New Zealand* today.

Notes by Kevin McBride