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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International Committee for the Indigenous Peoples of the Americas, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2025]

* Issued as received, in the language of submission only.



Cultural Rights of Māori People in New Zealand

It is with profound concern that we, International Committee for the Indigenous Peoples of the Americas and the Māori political rights collective Koekoeā, outline the impacts of recent legislative and policy actions by the New Zealand government on the rights of Māori as enshrined through numerous national and international rights standards. These actions by the current New Zealand government represent the most severe diminishment of the political status of our treaty, Te Tiriti o Waitangi, in many generations.

Te Tiriti o Waitangi holds a central place in ensuring the cultural, political, and social rights of Māori in Aotearoa. However, in 2023, Prime Minister Luxon signed a coalition agreement for the formation of government that included:

- Provisions for the repeal of legislative references to Te Tiriti o Waitangi
- A review of the scope and function for the Waitangi Tribunal
- Renunciation of the United Nations Declaration for the Rights of Indigenous Peoples
- Introduction of a “Treaty Principles Bill” which seeks to unilaterally redefine the Crown’s treaty responsibilities in the absence of Māori as the treaty partner
- Making Māori representative seats in local councils subject to referendums
- Introduction of the Regulatory Standards Bill, which would replace the current human and treaty rights standards for New Zealand legislation with partisan standards centred on individual property rights and corporate interests, and displaces the role currently held by the New Zealand judiciary in interpretation and continuity oversight

All of these commitments have come to bear in this past year, with far-reaching consequences for Māori cultural rights. They form a part of a larger set of actions by this government that seek to “dismantle the scaffolds of the Treaty/te Tiriti law landscape”(1), and diminish the role of te Tiriti o Waitangi and the Bill of Human Rights within New Zealand’s constitutional arrangements.

Occurring concurrent to the diminishment of Crown treaty responsibilities, the government is also seeking to constitutionalise partisan values under the Regulatory Standards Bill. The bill proposes a set of standards for all future legislation and policy that prioritises individual property rights and a skewed application of the principle of equality. This bill fails to account for the historical and structural discrimination embedded in New Zealand’s institutions by way of historical and enduring colonialism. Further, it dismisses the need for targeted protections of Māori cultural rights under colonial governments, including co-governance arrangements and Māori representation in local and national government.

Māori political representation and Te Tiriti o Waitangi have historically been pivotal in safeguarding Māori cultural rights. The guaranteed Māori seats in Parliament, the establishment of the Waitangi Tribunal, and the incorporation of Treaty principles into legislation have been critical mechanisms for addressing inequities and revitalizing Māori language, tikanga (protocols), and identity. These frameworks have empowered Māori to advocate for the protection and advancement of their cultural rights within a colonially imposed political system.

Further, there has been considerable procedural rights violations carried out through the above reviews and bill introductions. Senior ministers in support of the bill have engaged in dangerous, inciteful rhetoric that dismisses the unique political status of Māori, as entrenched through te Tiriti and international law. These ministers of parliament, including coalition leaders, have framed treaty justice initiatives as unfair privilege rather than entitlements rooted in historical and legal obligations. The resulting polarization further marginalizes Māori voices and increases hostility and threats towards Māori. We are deeply concerned that party leaders and senior ministers are divorcing human rights language from meaning, to the extent where human rights language is now being weaponised against Indigenous rights.

Cultural rights are not limited to language, art, and traditions; they encompass the right to self-determination, control over resources, and the ability to shape one's own destiny. The government's current trajectory threatens to extinguish these rights for Māori.

The actions of the current New Zealand government represent a fundamental breach of Māori cultural rights and international human rights obligations. They are directly contradictory to the recommendations of multiple United Nations committees to strengthen the government's response to te Tiriti o Waitangi, and progress towards stronger constitutional recognition of te Tiriti. The actions of the New Zealand government have already infringed upon our collective and individual cultural rights pertaining to language; art; traditions; legal systems; resource control and political self-determination; and the retention and rearing of our children, and set a context for ongoing, and increasingly grievous violations of our cultural rights.

We respectfully urge the Special Rapporteur to:

- Advocate for the restoration of Te Tiriti o Waitangi as a foundational, binding document in New Zealand's constitutional framework.
- Review and report upon the 2023 New Zealand National party coalition agreements for violations of Māori cultural rights.
- Recommend that New Zealand halt all proposed legislation and current policies that undermine Māori self-determination, the political status of te Tiriti o Waitangi and the cultural rights of Māori which it protects.

Koekoeā, NGO(s) without consultative status, also share the views expressed in this statement.

(1) Ngā Matapono Report, Waitangi Tribunal, available here: <https://tinyurl.com/matapono>