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[Treaty of Waitangi](#)

## Treaty of Waitangi

The Treaty of Waitangi was signed in 1840 and was an agreement between the British Crown and a large number of Māori chiefs. Today the Treaty is widely accepted to be a constitutional document that establishes and guides the relationship between the Crown in New Zealand (embodied by our government) and Māori.

The Treaty promised to protect Māori culture and to enable Māori to continue to live in New Zealand as Māori. At the same time, the Treaty gave the Crown the right to govern New Zealand and to represent the interests of all New Zealanders.

While the Treaty is widely seen as a constitutional document, its status in New Zealand law is less than settled. At the moment, Treaty rights can only be enforced in a court of law when a statute or an Act explicitly refers to the Treaty.

Some of the Treaty rights are set out in other legislation which is enforceable in our courts. For example, Article III of the Treaty of Waitangi sets out the right to equality before the law. This right is also protected under the New Zealand Bill of Rights Act and the Human Rights Act. New Zealand has also signed the International Covenant on Civil and Political Rights, an international law to protect the rights of minorities. We have an international obligation to comply with some of the Treaty rights through this law.

While there are limits on the extent to which Treaty rights can be argued and enforced in court, the Waitangi Tribunal provides a forum for hearing cases related to the Treaty. Under the Treaty of Waitangi Act 1975, any Māori can take a claim to the Tribunal that they have been disadvantaged by any legislation, policy or practice of the Crown since 1840.

The Tribunal does not enforce the law, but has the power to make recommendations to the government. Historical Treaty breaches are mostly settled by negotiations with the Crown through the Office of Treaty Settlements [↗](#). This often occurs after the Waitangi Tribunal has issued a report and made a recommendation to the government.

[Office of Treaty Settlements website](#) [↗](#)

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