



# Women's International League for Peace and Freedom

*United Nations Consultative Status with ECOSOC, UNESCO and UNCTAD  
Special Consultative Relations with FAO, ILO, and UNICEF*

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## **Submission to the Constitutional Advisory Panel**

The Women's International League for Peace and Freedom (WILPF) is an international non-governmental organisation based in Geneva with sections in 40 countries throughout the world. WILPF has been in existence since 1915 and holds consultative status at the United Nations.

As our name suggests we work on issues involving peace and human rights, and the elimination of all forms of inequality, oppression, discrimination and exploitation. We are committed to peaceful negotiation and resolution of conflict.

WILPF Aotearoa is mainly a Pakeha organisation with some Maori members.

### **WILPF's aspirations for Aotearoa are:**

That we should have a peaceful, non violent and just society which respects all living things and cares for its peoples and the environment. This includes respectful relationships, equality of opportunity, shared non-hierarchical decision making, non-discrimination, and shared, equitable distribution of resources.

### **What needs to be done to achieve this**

The constitutional arrangements need to be based on the Treaty of Waitangi (the Maori text, that is the Treaty that was signed between Captain Hobson and the Rangatira at Waitangi in 1840). In the first article of the Treaty, the Rangatira granted to the Queen of England forever Governorship (Kawanatanga) - the duty to control Pakeha and later settlers living on hapu land. Sovereignty is not mentioned.

In the second article the Queen acknowledges and agrees to the absolute authority (Tino Rangatiratanga) of the Rangatira, Hapu and all the people of New Zealand over their lands, their villages and everything that is held precious.

Unfortunately, the Crown as represented by Governor Hobson assumed sovereignty in direct contradiction to what the Treaty says. This has been described for example by Dr Paul McHugh, as:

*"The Crown's sovereignty is regarded as absolute, unitary and unaccountable, the ultimate expression of this supreme power being the enactment of legislation (the Crown*

*in parliament). Being absolute, this sovereignty is viewed as undivided and indivisible-it can never be shared with any other sovereign entity. It is also unaccountable. The Courts will recognize no law-giving power other than the Crown and will not call the sovereign to account for the exercise of its legislative power.”*

This is a basic problem with our present constitutional arrangements, has been ever since the Treaty was signed, and was reinforced when the first settler government was set up in 1852, with the first Constitution Act.

**1. We recommend that there be a considered and deliberate conversation between the Crown and hapu and iwi representatives across the country with an eventual outcome of some form of constitutional framework based on the Declaration of Independence of 1835 and the Treaty of Waitangi (the Maori text) of 1840.**

It will not be possible to address the injustices of the past and recover the expectations of the signatories to the Treaty unless this process occurs.

**Other issues that WILPF recommend be addressed are:**

2. Processes should be put in place for peaceful resolution of conflicts both nationally and internationally.

3. To achieve a more egalitarian society there should be upper and lower levels of income. Everyone should qualify for a living wage and those who are unable to work should not have to live on or below the poverty line.

4. The human rights of all should be protected by amending the Bill of Rights Act to include the protection of civil and political rights, including the right of self-determination of all peoples, the right to a remedy for human rights violations, the right to privacy and the right to legal aid. It should include protection for the economic, social and cultural rights, including the right to work and rights in the workplace, to social security, a reasonable standard of living, healthy housing, safe water and adequate food, right to affordable healthcare and education, as well as the right to own property individually and collectively, and not to be arbitrarily deprived of it.

5. Women should have equality of opportunity, including pay equity. The right to this could be achieved by specifically writing the International Convention on All Forms of Discrimination Against Women into domestic law.

6. WILPF believes that there needs to be a radical change to the justice system which at present incarcerates far too many citizens. This would include a much greater use of marae-based justice and restorative justice. Where necessary, those convicted of crimes should receive adequate treatment for addiction or psychiatric illnesses in appropriate surroundings, rather than being incarcerated in prison.

8. The school curriculum should include the teaching of an accurate history of Aotearoa and its settlement, human rights and civics.

9. We recommend the setting up of a cross-party Human Rights Select Committee to hold hearings and to check that all Bills are consistent with the Bill of Rights Act.