

# The Treasury

## Release of Submissions: Mixed Ownership Model Consultation with Māori

### Release Document

March 2012

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[1] 9(2)(a) - to protect the privacy of natural persons, including deceased people.

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In preparing this Information Release, the Treasury has considered the public interest considerations in section 9(1) of the Official Information Act.

To: 1. Tangata Taketake Whenua  
2. Tangata Rongo me Tangata Tiriti  
3. Manene living here  
4. Colonial Regime calling itself Kawanatanga, and its Treasury Office  
[mixed-ownership-consultation@treasury.govt.nz](mailto:mixed-ownership-consultation@treasury.govt.nz)

From: **Nga Tangata Whenua, Nga Tangata Moana,**  
Ngā Uri o Te Ika-ā-Māui, Te Ika ā Ngahue, Te Wai Pounamu, Raki'ura, Te Rekohu,  
Nga Ika Whenua, Te Papa Moengaroa tau whakararo o Tangaroa, Te Ika Tangata  
Whenua o ngā iwi o tēnei Taitonga, otirā me ngā iwi tautoko o Te Moananui-ā-Kiwa.  
Tangata Taketake Whenua

Gathered and presented by Rata Pue.

Contact at: [1]

We wish to make further submissions to the colonial regime and its select committee  
if any bill attempts to amend the SOE ACT 1986

Date: 20<sup>th</sup> February 2012

**Whāia ! Whāia ! Kia Honoa Te Rongo !  
Kia Hohou Te Rongo o Rongo Tau Tangata!  
o Marunui, o Maruroa, o Maru Maomao  
āwhiowhio ki Tawhitinui, ki Tawhitiroa !**

With this document we:

1. Reaffirm Mana Whenua, Mana Tangata, Mana A-Tu-A
2. Report on the situation in Nga Motu
3. Report on the ongoing breaches of Tikanga Maori, and International Law
4. Prohibit the colonial regime from breaching Tikanga Whenua, by alienating the Tangata Whenua resource base on which it depends, this includes Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air New Zealand.

5. Call on Tangata Whenua and Tangata Rongo (Peace loving people) to unite to take collective action to restore this sanctity of peace, end resource theft, wastage, alienation, privatisation and ecocide.
6. Call on Nga Hautikanga, Tribunals, all Courts of Record, International Tribunals and Committees of Peace and Justice to:
  - a) determine and declare by order or otherwise that the physical resources and interests in resources of Te Ika a Maui, Te Ika a Ngahue, (Te Waipounamu), Rākohiri and Rēkohu are Maori Resources.
  - b) review the colonial regimes breaches of Tangata Whenua rights and Tikanga, and other relevant law and take action to remedy the injustices caused by the colonial regime.
  - c) enforce Tikanga Whenua, Rāhui Whenua, other law and international law to protect Maori rights to their resource base from illegal expropriation by the colonial regime using whatever powers the Tribunals, Courts and Committees enjoy.
7. Call on all people and organisations to restore peace, between land and peoples by ending the breaches of Tikanga original law, nature's law and that of Tangata Whenua and other law to:
  - a) restrain people from actual and threatened theft, trespass and injury, dealing with and doing damage to Maori resources, removal, use and abuse of Maori resources, and affecting Maori interests in Maori resources, property and territory.
  - b) recover damages from the theft, trespass, and injury to Maori resources and territory
  - c) prohibit the distribution of proceeds of the past and current expropriations of Maori resources and territory.

## **1. Reaffirmation of Mana Whenua, Mana Tangata, Mana A-Tu-A**

### Te Moananui, Puwai Tangaroa

He Karanga, he Powhiri, he Maioha,  
ki nga Tumu o Te Moananui a Kiwa!  
Nga Kurae Takutai, nga Tihi Maunga!  
Nga Whanau! Whare Waananga!  
Tena koutou, tena tatou, E rarau tatou.

A Greeting, a Weaving of Peoples,  
And Leaders o Te Moananui a Kiwa!  
Coastal Headlands, Mountain Peaks!  
All Families! Centres of Learning!  
Greetings to us all. Peace!

E Haere atu nei nga Mihi ki a koutou,  
Haere nga Mate ki te Po o Horo Aitua.  
E aru atu nei teenei kaupapa koorero  
i te kare o Tai Moana-i-Ara-rau  
Manaakitea mai tenei Kaupapa!

We send out warm greetings to you,  
And mourn our departed ones.  
We send out this urgent matter  
along our Ocean pathways.  
Seeking united support.

Ko Raa-ngii- i-ateanui  
Ko Papatuanuku-i-atearoa  
Ko Rongo Tau Matua  
Ko Te Moananui a Kiwa  
Ko Te Tangata Whenua  
Ko Te Tikanga Tangata Whenua  
Tu Rangatira  
Tu Tangata  
Tu Mana Motuhake  
Tu Kotahitanga

One Radiating Sun  
One Abundant Earth  
One Peace  
One Ocean  
One Peoples  
One Tangata Whenua Law  
One Governance System  
One Human Rights System  
One Sovereign Nation  
Of Inter- Dependent Peoples

Tu Hono, ki te Hohou-o-Rongo  
Nau mai! Whakakotahi mai!  
Hikitia te Hohou Rongo!  
Hikitia te Mana Tangata!

Let us Pursue Peace, Secure it's Abundance  
We wish to reaffirm unity with you to:  
Restore this Sanctuary of Peace.  
Reaffirm Mana Tangata Whenua

**He Mana Motuhake  
Haere! Whakamua! Haere! Kotahi!**

**Act as an Interdependent Nation  
Let us go forward! Together!**

## **2. Report on the current situation in Nga Motu.**

### **2.1 We are Nga Tangata Whenua, Nga Tangata Moana.**

I Poua ra matou ki te whenua nei, te kakano i ruia mai i Rangiatea. Nga Uri Mauri Taketake no Te Ika a Maui, Te Ika a Ngahue, Rakihura, Te Rekohu, me te hunga Mauri Tangata Taketake Whenua, Te Moananui a Kiwa, Nga Kakano o Rangiatea.

**We are Nga Tangata Whenua, Nga Tangata Moana,** The original and permanent People in right of Te Moananui a Kiwa, this Sea, this Land and this territory.

We are descendents of Tangaroa (Kanaloa), Tu, Kiwa (Kiva), Maui, (Mauri, Maori) Kupe, Maruiwi, Kohu, (Kahu) Toitehuatahi and other Tangata Moana, Tangata Whenua (Kanaka 'enua) o Te Moananui a Kiva.

We are Mauri Tangata Whenua, Tangata Taketake Whenua, Tangata Moana, natural, original, sovereign Tangata Whenua nationals who as a Tangata Whenua nation enjoy all rights (including absolute sovereignty, control and ownership) to our space, land, territory, ocean and nation)

**We are a collective of Whanau, Hapu and Iwi who reaffirm and record our rights to:**

1. Mana Tangata, live as natural original people enjoying our unalienable and inalienable rights to live in dignity, freedom and peace in our own territory under our Tikanga (original and developed Law) and Kawa (decision making process), and
2. Mana Motuhake, retain all our rights that is, and rights founded and arising from Mana A-Tu-A, Mana Whenua, Mana Tangata, Mana Rangatira, Tino Rangatiratanga, Tangata Taketake Whenua, Whakapapa and otherwise arising under Tikanga Maori and Kawa, and
3. Mana Whenua, protect the Mana o Whenua and interconnected natural environment, retain absolute sovereignty, rights to conserve and sustainable use the natural resources for successful inter-relationship, ownership and principal human control.
4. This Maori land under Tikanga Maori and Kawa. We retain our unalienable, inalienable Tikanga Maori rights to our Whenua and Moana.

5. Te Taonga Tuku Iho nei. Whanau, Hapu and Iwi share this common whenua. Our common Tikanga law records the principles of order of our association and relationship with this whenua.

This Whenua binds together we Tangata Whenua.

This Moana binds together we Tangata Moana.

6. Tikanga Maori, We hold this land and interests in this land in accordance with Tikanga Maori. Tikanga Whenua is highly developed, practical and proven, sacred and secular law. Our land includes all interests in this land include all forms of water, minerals, and energy. Te Uruuru Whenua law between Nga A-Tu-A and Tangata Whenua, Tangata Moana operates. Tangata Whenua, Tangata Moana up hold Tikanga Maori, and hold all rights/titles to this land and interests .

We are bound to and retain this land. We continue to hold this land in a fiduciary capacity to keep, protect conserve, work, develop and sustainably use under Tikanga this land.

We are bound by Tikanga, kawa, whakapapa and the Tupuna right/title to past generations and future generations to hold this land strictly in accordance with Tikanga. This land is unalienable and inalienable.

Our interests are not for negotiation and sale.

**He Whenua rongu. This land is for peace not war.**

7. Te Pono, We act honestly, sensitively, strictly correctly, justly, fairly, honourably.

8. Rangatiratanga, We are dedicated to protecting Te Rangatiratanga o Whenua, o Kainga o Taonga.

9. Te Ihi, Te Wehi, Te Mana o Nga A-Tu-A, We honour nature (especially whenua) it's characteristics, rights, power and great gifts.

10. Te Rongo – We honour nature's inter relationships and balance. And are dedicated to restore the energy balances relating to this whenua.

11. We have not surrendered, abandoned, lost, sold, or diminished in any way any rights to this whenua at any time.

Our rights cannot be transferred outside Tangata Whenua.

We represent ourselves, and invite other Tangata Moana, Tangata Whenua to join us.

**And we are united with Tangata Hohou Rongo.** Wise and Peace loving Non Maori Peoples who share and honour the same objectives of pursuing peace (between the natural environment and peoples), and secure the abundance that flows from that. Tangata Hohou Rongo will represent themselves and are welcome to join our actions

## **2.2 Nga Whenua (The lands and interests in lands)**

This statement of claim and notice of rights relates to Nga Motu, Te Whenua Rangatira, Te Whenua Moana, Te Papamoengaroa o Tangaroa, Nga Whenua o Hine-moana me Kiwa:

- which are identified by Te Tupua Kawa, Nga Punga, Nga Pou Kapua, Nga Whariki Whetu.

- of Te Ika a Maui, Te Ika a Ngahue, Rakihura and Te Rekohu.

Rongomaiwhenua, Rongomaitere

- Whenua Moana submerged below Te Moananui a Kiwa.

- Whenua ki uta, Whenua ki Tai, Whenua ki raro, Whenua ki runga, Whenua ki roto, Whenua ki waho. This includes Tangata Whenua territorial sovereignty and ownership rights to this space, this territory, this land, inland, outland, seabed, this airspace over this territory, everything above, and everything below, the subsoil, eg. air space, surface, this Tangata Whenua nation

- of Nga A-Tu-A, Ranginui, Hine-Moana, Papatuanuku, Te Rongo, Te Moananui a Kiwa...

- and includes all matter whatsoever, all forms of energy, water, thermal, gas, liquid, solid, minerals, chemicals including phosphate, metals, petroleum in this space.

Most (95%) of Te Ika a Maui, Te Ika a Ngahue, Rakihura and Te Rekohu remains below the sea.

**We call on all peoples to accept and record that this Whenua is Maori Whenua and accept all our rights to this Whenua.**

## **2.3 This Whenua is held under Tikanga Maori.**

**This includes:**

- Mana A-Tu-a, Mana Whenua, Mana Tangata
- Kua Mau Te Rongo. The sacred peace and security between Nga A-Tu-A and peoples. The inherent right of our environmental Whanau to be. And be in balance, stable. Kua-ea. The **status**, purpose and law of this whenua has been settled. Justice for nature is essential, fundamental. Who are we to question it?
- Te Rongo taketake, enduring peace between Nga A-Tu-A me Nga Tangata Whenua, Tangata Moana. Tangata Whenua and Manuhiri must live sensitively, honourably, carefully, respectfully and responsibly amongst Nga A-Tu-A, their superior environmental Whanau.

He Moana Rongo. This space and whenua is dedicated to peace. It is the season of peace. If we all nurture it will grow.

- Tikanga Maori, - Full, Original, Supreme and developed Tangata Whenua Rights, Law, understandings and interests.
- Tikanga o Hine Moana me Kiwa is binding on Tangata Whenua, Tangata Moana. The title to all these lands and interests in land is constructed and vested in Tangata Whenua, Tangata Moana.
- Kawa Maori - Original and developed Maori decision making process. Te Whaka- Rongo
- Hau Tikanga. The Tangata Whenua Justice System.
- Matauranga Maori, knowledge of the Tangata Whenua beliefs and practices relating to this whenua.
- Te Tikanga. The Law, the correct, right, normal belief and practice, including the freedom to hold this land.
- Nga Rahui o Nga Hapu me Nga Iwi. Au Kati. “Te Tangata ki mua, Te Whenua ki muri” (Taiporohenui1854). Tikanga includes Rahui, the protection, conservation and conditional use of this space, this territory and this space under Hohou Rongo. Nga Rahui reaffirm rights to protect whenua from threatened and actual injury. These Rahui prohibit expropriation, exploitation and wastage of Nga A-Tu-A including this Maori whenua. We request all people to assist with practical actions that restore Te Rongo (energy balance of nature)
- The inherent rights of Tangata Whenua, Hapu and Iwi the original just people in right of Te Moananui a Kiwa.
- The inherent rights of Tangata Whenua to live in peace and freedom with dignity in their own territory. And the inherent right of future generations to live with the abundance that comes with Te Rongo (environmental balance and peace) It is an injustice to future generations to damage the land by breaching the Tikanga Maori under which this whenua is held.
- Natural Justice and Law. Tikanga Maori has protection at Natural Law. This includes the expectation of justice, and property rights, realty, livelihood, and is contained in Nga Tangata Whenua uruuru whenua contract.
- Kaitiakitanga the agency of justice for nature.
- Whakapapa
- Mana Rangatira, Tino Rangatiratanga

We call on all people to accept these Laws, principles of order, values, beliefs, practices and recorded in Tikanga Maori, Hau Tikanga and Kawa Maori and enforce, implement and action them to protect Tangata Whenua rangatiratanga o whenua.

Tikanga Maori, Hau Tikanga, Rangatiratanga and Kawa Maori have developed independently in Te Moananui a Kiwa during the last 5,000 years and all rights, responsibilities, obligations and usage to this particular land and property has been discovered, wholly allocated by Tangata Whenua to exclusively Tangata Whenua from Te Tau Po (on or about 232AD).

Tikanga Maori and Kawa Maori is a practical and proven legal system of maintaining peace amongst Nga A-Tu-A (our environmental whanau) and all people within Te Moananui a Kiwa.

Because all these matters and Te Rongo, Tikanga Maori, Te Whenua, Te Wai, Te Moananui a Kiwa are essential ingredients to the life of Maori people, these matters are within the jurisdiction of local Court of Records, Tribunals and International entities dedicated to peace and we are calling on them all to act to protect justice and our rights.

Te Rongo me Nga Maunga Rongo Tikanga Rongo was accepted and adopted by Tangata Whenua on arrival on or about Te Tau Po. This is a nation dedicated to Peace not War. The colonial regime continues to practice colonialism, apartheid, ethnocide and war against Tangata whenua and our resource base.

The proposed sale of Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air NZ breaches Tikanga Maori.

#### **2.4 Mana Whenua. Mana Moana.**

**Ka Mau taa Maui ki toona ringaringa e kore e taea te ruuruu.**

**Tangata Whenua cannot separate themselves from this land and their rights. And be separated by others from this land. As Mr Mandela states “Our rights are not yours to take away”**

**Our Whanau, Hapu and Iwi enjoy Mana Whenua because we accept and practice Tikanga Whenua, Tikanga Moana. Usage rights are dependent on Hapu and Iwi Tikanga being accepted and upheld.** Mana Whenua, Mana Wai and Mana Moana are within the jurisdiction and powers of the Court of Records and Tribunals here and International entities.

The proposed sale of Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air NZ breaches Mana Whenua, Mana Moana.

## **2.5 Te Whakaputanga o te Rangatiratanga, 1835 operates.**

Because **Te Whakaputanga o te Rangatiratanga** is a binding and current international Treaty between the Maori people and others, **Te Whakaputanga o te Rangatiratanga** is within the jurisdiction and powers of the Courts of Record here and International entities.

Within Te Whakaputanga o Te Rangatiratanga are clauses relating to tino rangatiratanga, te Rangatiratanga o matou whenua, he Whenua Rangatira, matou whenua, te whenua o te wakaminenga, ki te wakarite te ture, kia mau te rongo, matou Rangatiratanga. These clauses guarantee Maori Sovereignty over all lands and resources here and prohibit other nations setting up and operating colonial regimes here.

The proposed sale of Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air NZ breaches Te Whakaputanga o te Rangatiranga.

## **2.6 Te Tiriti o Waitangi 1840 operates**

**Te Tiriti o Waitangi affirms Tangata Whenua rangatiratanga o Whenua (resources), o Kainga (community), o Taonga katoa (all responsibilities) and Tikanga Maori (law). The Maori Land Court has the jurisdiction to enforce Te Tiriti on Waitangi, rangatiratanga, and Tikanga Maori as a contract, and international treaty.** Because **Te Tiriti o Waitangi** is a national and international peace Treaty, **Te Tiriti o Waitangi** is within the jurisdiction of all Courts of Record here and International entities dedicated to peace.

Within Te Tiriti o Waitangi there are clauses re-affirming and confirming Tino rangatiratanga o o ratou whenua, Supreme Maori sovereignty and law over all resources, community and responsibilities.

The Kawanatanga clause allowed for an ambassador of the English Queen to stay here on condition the ambassador accepted Maori sovereignty and law over all resources, community and responsibilities.

The Kawanatanga was supposed to control the lawless English people attempting to live here without accepting Maori law. To date the Kawanatanga has not accepted Tino Rangatiratanga and has therefore no rights at all. And it has failed to control the English people who do not accept Tino Rangatiratanga. The Kawanatanga survives as an illegitimate English colonial and military regime educating its people with lies about Te Tiriti o Waitangi and creating illusions of rights called Statutes which attempt to institutionalise it's peoples philosophies of inequality, colonialism, racial discrimination, apartheid, ethnocide and ecocide. Unfortunately many colonials continue the war against Maori and are still depend on the ongoing plunder of the Maori resource base.

The proposed sale of Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air NZ breaches Te Tiriti o Waitangi and its principles.

### 2.7 Common Law.

Tikanga Maori has protection as **Maori Common Law**.

Because Tikanga Maori (Common unity Law) regulates social, economic and political order including the allocation and usage of the Maori resource base here, all people living here need to accept and implement it for establish and maintain peace, order and the abundance that flows from that. Maori Common Law is within the jurisdiction of the Courts of Record here and the International entities dedicated to peace. \

The proposed sale of Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air NZ breaches our common law rights to land, water and energy and the income derived from them.

**2.8 The Law, Peace, Justice, Truth, Security, Order.** Because Peace, Justice, Truth, Security, Law and Order are essential to the Maori people and all others living here, Peace, Justice, Truth, Security, Law and Order are also within the jurisdiction of the Courts of Record here and the International entities dedicated to peace.

The proposed sale of Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air NZ breaches our rights to law, peace, justice and order.

### 3. International Law.

Tangata Whenua are human,

Tangata Whenua are a people.

Tangata Whenua collective form a Maori nation.

Because **International Law** orders Human and national rights, Maori people, **enjoy the protection of their rights to sovereignty, resources and can access the important entities that protect, review and enforce Human rights.**

Under International law Tangata Whenua have:

- the right to *freely determine their status and freely pursue their economic, political, social and cultural development.*

Under the ICCPR and ICESCR

- a right to recognition before and equal protection of the law and international law.

- a right to justice and effective remedies for acts violating our fundamental rights, and laws (Tikanga) by a competent national tribunal.
- the right to their own nationality.
- a right to own their own property under (Tikanga) law
- the right to be secure from unreasonable seizure of property
- the right to enjoy one's culture
- the right to live without discrimination
- the right to own, develop, control and use their communal lands, territories and resources.
- the right to equality
- the right to freedom
- the right of self determination.

And under The Law of the Sea, United Nations Convention on the Law of the Sea, 1983 Tangata Whenua enjoy

- The right of sovereignty beyond their dry lands
- The right to maintain peace and security
- The rights to conservation and protection of nature.
- The rights to regulate navigation
- The rights to peacefully settle disputes between other peoples.
- The right to use their submerged land.

Tangata Whenua, Tangata Moana have for centuries, determined that these submerged land are Maori land and recorded that status nationally and internationally.

The colonial regime must stop illegally expropriating the Maori resource base and illegally alienating it to it's Non Maori and foreigners.

The proposed sale of Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air NZ breaches International law.

Expropriating the resources of a Maori is apartheid and apartheid is a crime against Humanity.

We realise the colonial regime has decided to continue to take and keep the Maori resource base for it's Non Maori people and perpetuate apartheid and commit crimes against humanity. And also continue to not accept and sign the UN Covenant against Apartheid. Practicing racial colonialism, ethnocide, racial discrimination and crimes against humanity are typical practices of British colonial regimes.

## **Courts of Record**

**The Waitangi Tribunal, and Courts of Record, Maori Land Court, High Court and Court of Appeal** can honour, record and accept Tangata Whenua Supreme Original Law Tikanga Maori, Rangatiratanga, Te Whakaputanga o Te Rangatiratanga, Te Tiriti o Waitangi.

These Courts of Record have the potential to review **Manene and the Kawanatanga ongoing attempts to expropriate Whenua from Tangata Whenua**

We know that Manene and the Kawanatanga need to begin honouring and accepting Tangata Whenua Tino Rangatiratanga o ratou Whenua, o ratou kainga me o ratou Taonga Katoa in accordance with Te Tiriti o Waitangi, if they wish to stay here.

To date Manene and the Kawanatanga have so seriously breached Te Tiriti o Waitangi they have no rights whatsoever here.

**This land is within the Maori Te Moananui a Kiwa jurisdiction, law and territory and all Courts of Record can record that fact and protect Maori legal Tikanga rights.**

In this case, with this land, in this space, in this time, with this people, Tikanga Whenua, Tikanga Moana:

- is right in Law,
- is everlasting, impossible for a Hapu or Iwi to end or diminish in any way.
- belongs to Hapu and Iwi under Mana Rangatira and Mana A-Tu-A.
- is defined and implemented collectively by Hapu and Iwi for Hapu and Iwi.

Tikanga Whenua is eastern, not western law, founded and arising from Mana A-Tu-A, Tikanga A-Tu-A, Mana Whenua, Mana Tangata, Hau Tikanga, Matauranga, Whakapapa, Whanaungatanga, Matauranga, Mohiotanga, Whakaae and Mana Rangatira.

Tangata Whenua have established and maintained Mana Tangata with this land, which includes exclusive sovereignty, ownership, occupation, possession rights and all titles.

Tangata Whenua have exclusive permission and use all their resources and allocate rights. Tikanga, Whakapapa, Matauranga, Mohiotanga, Whanaungatanga, Mana Whenua record the inter-relationship between Whenua and Tangata.

Tikanga Whenua is derived from Mana Tangata Whenua and predates all received colonial law and Te Tiriti o Waitangi.

Tikanga is the original and supreme law here.

All legitimate land rights (including all titles) to this land are held by Hapu and Iwi.

Tikanga Whenua, Tikanga Moana is superior law to the law of other nations here.

Asian, Middle Eastern, African, American, European, Russian law does not have jurisdiction here. Tikanga Whenua over rules all other law here. This land is not England and not within the English jurisdiction and territory. English common law and legal ideas do not apply to this Maori land or its resources.

Tikanga Whenua is superior law to the English creations of customary law and common law.

We call on all the Courts of Record here to:

- accept and record our Tangata Whenua rights and law, original law.
- accept and record our Tangata Whenua right to protect, retain, own, conserve, occupy, work, develop our resource base for the benefit of Tangata Whenua and other peace loving people.
- enforce Tikanga Whenua, and reject colonialism and unjust colonial statutes, which are condemned by the Tangata Whenua nation and internationally.
- record and confirm the absolute rights and obligations recorded in Tikanga Whenua Tikanga Moana in the Court's record.

We call on the Courts of Record to:

- exercise their inherent jurisdiction as independent Courts of Record, independent of the colonial regime and unjust colonial law.
- not use received English legal creations and the colonial law that is unjust.
- reject colonialism, not act as a colonising or statutory Court imposing the values and practices of colonialism, imperialism and the English on our land
- reject unjust colonial statutory law which attempts to restrict the jurisdiction of the Courts of Record.
- reject;
  - any unjust colonial statutory law that create illusions of rights which attempt to expropriation Maori land and resources on the basis of race,
  - English supremacy,
  - apartheid, (which includes the expropriation of the Maori resource base on the basis of race)
  - racism and
  - the self interests of a colonial people.
- end the ongoing war against Tangata Whenua for their resource base.
- end the current attempted alienation of Maori resources held by Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air New Zealand.
- end all other attempts to alienate Tangata Whenua land and interests to Non Maori.

All infringements against Tikanga Maori and the law are illegal and unjust.

**We repeat Nelson Mandela’s statement to the colonials currently living here. “Our rights are not yours to take away.”**

Manene and their colonial regime continue to attempt to:

- destroy and damage the very resource base that keep us alive.
- illegally take Maori Land and resources from Maori.
- restrict the jurisdiction of their Courts to facilitate expropriation of Maori land and resources.

The Kawanatanga and their Manene have illegally and wrongfully attempted to expropriated the land of Taranaki and other parts of Te Ika a Maui, Te Ika a Ngarue and Rekohu and transfer access, usage and ownership to Non-Maori using any means.

See Appendix W for some of the findings recorded by the Waitangi Tribunal on this matter.

Today, the Kawanatanga colonial regime and their Manene are attempting to wrongfully and illegally expropriate (on the basis of race) our interests in Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and Air NZ We own the gas and oil that is being expropriated from the Kupe field 31% of which is held by Genesis. We own the coal and Coal seam gas that Solid Energy is planning to steal from our eastern Taranaki rohe.

It is illegal, unjust and unwise for the colonial regime to attempt to take this land from Tangata Whenua, Tangata Moana by force, expropriation, confiscation and other illegal alienation mechanism eg. create illusions of rights in the form of unlawful colonial regime mining licences.

### **Kawanatanga attempts to restrict Judiciary of The Court**

When the Court of Appeal ruled on the principles of Treaty of Waitangi it acknowledged the debt the Kawanatanga owed Maori. That debt to Taranaki alone is over \$1740 billion for land and mineral theft to date.

We therefore claim all the assets held by the colonial regime throughout our land.

The ambassador of the Queen - the Kawanatanga needs to promptly transfer those assets to Tangata Whenua who have not settled their claims to them.

Today’s Courts of Record are not bound to entrench racism, apartheid, colonialism, imperialism, injustice, and the colonial regimes objective to end and diminish Tangata whenua rights, by supporting the racist illegal and wrong legislation.

These Courts are bound to honour Tikanga Maori, just, fair, unbiased and fair original law and they will not rely on the racist, illegal, unfair, apartheid, wrong colonial law.

The Courts are bound to protect the rangatiratanga rights of Maori to this land. The Court of Appeal and High Court is also bound to accept Tikanga Maori. In this case Tikanga Maori, the Original Law of the Maori in right of Te Ika a Maui, Te Ika o Ngarue and Rekohu is the most relevant, most just, un bias, fair and the supreme law to determine the matter of ownership of the resources on which these SOE's which we call MOE's rely and the income derived from them.

### **Colonial Statutory Law**

**Some of the Statutory Law of the colonial regime the Kawanatanga, offers limited protection of Maori rights.**

### **Situation in 2012**

Tangata Whenua maintain the peace with nature and the peoples

Colonials and their regime:

- remain at the war against nature and Tangata whenua.
- ignorant of the truth
- practice unsustainable social, economic and political systems
- is plundering the resource base of Tangata Whenua and all future generations
- practice apartheid, ethnocide and ecocide
- Have not surrendered to the truth, that
  - o Taranaki is a place of peace not war
  - o Tangata Whenua have the right to live in peace and freedom in their own lands
  - o Colonialism, apartheid, ethnocide, ecocide are crimes against humanity and we have prohibited them
  - o The colonial regime and its institutions educate their people with lies

On 9<sup>th</sup> February 2012 in Whanganui Bill English of the Kawanatanga gave notice that the colonial regime plans to sell the resource base expropriated from Tangata Whenua and accumulated assets derived from these assets currently held within Genesis Power, Meridian Energy, Mighty River Power, Solid Energy and the SOE Act.

The colonial regime has in the last 170 years illegally and immorally expropriated 1,000,000 Ha of Taranaki Maori land and over \$100 billion of Maori minerals and illegally sold them to Non Maori ownership. The debt owned to Taranaki Tangata Whenua including loss of earnings and wastage of energy is over \$1,740 billion.

The colonial regime has also overspent using its unsustainable economic system and owes \$100 billion to overseas lenders and an undisclosed amount to local lenders.

When the total debt to other regions of the Maori nation is added, the colonial regime is obviously insolvent with debts over \$20,000 billion. The regime needs to declare itself insolvent to its colonial peoples and stop operating. Do that. That is the actual truth and situation.

The colonial regime is also in debt for the social and political damage to the Maori nation and the environmental damage.

We call of the colonial regime to transfer 100% of these enterprises to Tangata Whenua immediately so that they are properly preserved and managed to do great good for all.

The colonial regime has continually taken collective resources and transferred them into the hands of a few. It promotes inequality and poverty. It promotes the British colonial ideal of obscene wealth and obscene poverty.

The Kawanatanga colonial regime illegally occupying our territory is prohibited from alienating in any way the resources and land expropriated and illegally used by the colonial regimes SOE entities.

The proposed sale of SOE seriously breaches:

1. Mana Motuhake o Tangata Whenua
2. Mana Whenua,
3. Te Tino Rangatiratanga
4. Tikanga Whenua
5. Tikanga Maori
6. Te Kotahitanga
7. Te Whakaputanga o Te Rangatiratanga
8. Te Tiriti o Waitangi
9. Kawanatanga Court of Appeal ruling
10. SOE Act
11. Tangata Whenua Common Law rights
12. Hautikanga and Justice
13. UN declaration of Human Rights
14. UN CERD
15. International law

## **Tikanga Whenua**

**Tikanga Maori** includes Tikanga Mana Mauri Motuhake, Supreme Universal Natural Maori Law

**Tikanga Maori** includes these objectives, beliefs, values, principles powers, laws and practices:

- Mana A-Tu-A Tikanga A-Tu-A
- Mana Moana,
- Mana Whenua,
- Mana Ika Whenua
- Mana Ika Moana
- Mana o Tangaroa
- Moana Ararau
- Mana Tangata
- Tino Rangatiratanga,
- Tikanga Whenua
- Tikanga Moana
- Kawa,
- Uruuru Whenua,
- Whakapapa
- Mauriora ki Te Ao,
- Tapu
- Hautikanga
- Matauranga Tangata Whenua, Tangata Moana
- Whanaungatanga
- Karakia
- Aukati
- Kotahitanga, Whaka-ae, Nohotanga
- Tikanga Tangaroa, Tikanga Uruuru Whenua.
- Taonga tuku iho,
- Kia Mau Te Mana
- Manaakitia
- Whakahaeretanga
- Whakamahitanga
- Nohotanga
- Kaitiakitanga
- Kia Pai te Tiaki
- Turangawaewae

- Te Whakaputanga o Te Rangatiratanga,
- Te Tiriti o Waitangi,
- Te Tangata ki Mua, Te Whenua ki Muri,
- Nga Korero o Nga Matua Tupuna.
- Tikanga Tangata, Tikanga Hapu, Tikanga Iwi
- Tikanga Hine Moana me Kiwa

## **Te Whenua**

- has been and is the Sovereign Territory of Tangaroa, Tu, Kiwa, Maui, Maruiwi, Kohu, Toi, and other Tangata Whenua, and is held by Tangata Whenua in accordance with Tikanga Maori since the time of Te Tau-Po (on or about 232 AD), and will remain so for all time. At that time Kiwa, Tu, Maui, Maruiwi, Kohu and other Tangata Whenua explored, discovered, named and claimed under Tikanga and Kawa by Uruuru Whenua, Uruuru Tapu Moana, Te Ika a Maui, Te Ika a Ngahue, Rakihura, Te Rekohu,” “*Te Whenua Rangatira nei*”, and “*Te Papamoengaroa o Tangaroa nei*”. The description of Nga Ika being caught, captured and bound to Tangata Whenua describes these lands being discovered, named and claimed. The descriptions that Nga Ika are so big most of Nga Ika remain under the sea describes that most of the land discovered and claimed is submerged. Tangata Whenua used ocean going waka to move within the whole Te Moananui a Kiwa in the last 5000 years. We are the first and original peoples of this land and sea.
- has always been determined and is continuously reaffirmed by Tangata Whenua to be *Whenua Rangatira, Whenua Maori* (Maori Land) held in accordance with Tikanga Maori.
- has not been alienated or transferred by Tangata Taketake Whenua to any persons or entity in any way whatsoever. No Tangata Whenua rights or responsibilities to this land have been alienated or surrendered by Tangata Taketake Whenua to any other people at any time under Tikanga. Nor can they for Te Uruuru Whenua, Te Uruuru Tapu Moana process preserves Tikanga Maori and Tangata Taketake Whenua rights to live in peace and dignity, with absolute autonomy and freedom in our own Territory.

## **Manene**

Non Maori have wanted to take our land and interests in land and water and energy here since 1800. They are over 2000 to 5000 years too late to make any claims to any lands and seas within Te Moananui a Kiwa. The Dutch, French, Portuguese, Russians, English, Spanish, Americans and Germans are too late to claim any sovereignty rights here. Most of these

European imperialist and colonialist states have withdrawn all their claims to Tangata Whenua territories within Te Moananui a Kiwa. The United Nations objective of eliminating colonialism is assisting Tangata Whenua to end colonialism, colonial regimes and their implementation mechanisms. Colonialism is a crime against humanity because it seriously breaches human rights.

The Colonial regime and its supporters need to surrender to the Truth and accept the decolonization programs facilitated by the UN.

### **The Manene and Kawanatanga**

#### **Te Tiriti o Waitangi.**

To correct the racist interpretations of Te Tiriti o Waitangi promoted by Manene and the colonial regime of the Kawanatanga we restate our knowledge of the Treaty.

In the 1840 Te Tiriti o Waitangi an international treaty between some Tangata Whenua and the Queen of England was signed.

Some Tangata Whenua allowed an ambassador (a Kawanatanga) of Queen Victoria into the Tangata Whenua nation to try to care for English living without law, on strict condition that the ambassador (The Kawanatanga) and Queen permanently accepted Maori Tino Rangatiratanga (Absolute Maori Sovereignty, Maori law and independence).

The Queen's ambassador is expected to permanently accept absolute Maori sovereignty and to assist tangata whenua to control the lawless English here. So far the Queens ambassador has not accepted Tino Rangatiratanga (absolute Maori sovereignty) or controlled the lawless English staying here.

Most Manene (Non-Maori) and the Queens ambassador (the Kawanatanga) continue to seriously violate Tikanga Maori, Te Tiriti o Waitangi and International law. Together they still operate an illegal and unsustainable colonial regime.

They still operate a unsustainable social, political and economic system which is wholly dependent on the wrongful and illegal expropriation of the Tangata Whenua, Tangata Moana resource base.

The ongoing practice of the perpetual expropriation of the Tangata Whenua land on the basis of race is considered by the UN as a form of apartheid, racially discrimination, colonialism and breach of international law. The Colonial regime which illegally operates here, remain focused on wrongful and illegal attempts to end Maori Mana, Tikanga Tino Rangatiratanga, Te Tiriti o Waitangi and all Maori rights whatsoever including Maori land and Maori minerals rights.

We also know that the English ambassador (the Kawanatanga), still promotes an English version of the Te Tiriti o Waitangi. The English version is not valued, because it was not understood by the very few Maori church goers who signed it in Port Waikato and Manukau.

And the Kawharu translation of the Maori version is still used as racist propaganda by racist Non-Maori to educate people with lies.

We agree with the Waitangi Tribunal record in the 1996 Taranaki Report

*“At no point of which we are aware, however, have Taranaki Maori retreated from their historical position on autonomous rights. Despite the vicissitudes of war and the damage caused by expropriation and tenure reform, their stand on autonomy has not changed. Nor can it, for it is that which all peoples in their native territories naturally possess. If the drive for autonomy is no longer there, then Maori have either ceased to exist as a people or ceased to be free” section 1.4*

Whenua Maori nei, Kaore I tētehi atu iwi. Kei a tatou tonu!

This Maori land is not held by Non Maori.

Non- Maori and the Kawanatanga have no rights whatsoever over this land or associated resources.

The Kawanatanga and Manene are guilty of breaching Tikanga Maori, Mana Maori, Te Whakaputanga o Te Rangatiratanga, Te Tiriti o Waitangi, and Te Ture Whenua Maori Act and International law by wrongful trespass, illegal dealing, theft, expropriation, causing damage and serious disorder, facilitating lawlessness amongst Manene, collusion and racketeering when they deal with this Maori Land, the Maori resource base and Maori rights.

While the status of this land has been consistently recorded in Tangata Whenua Hau tikanga, the status **has not yet been recorded in a Court of Record accepted** by the Kawanatanga. It is necessary to record its status in this court too. The Kawanatanga and Manene obviously need the status of this land to be recorded in this Court of Record they accept, before they will accept the land's status and act in accordance with Tikanga Maori.

So far Manene and the Kawanatanga have failed to honour and accept the Rangatiratanga of this Whenua embodied in the Tiriti o Waitangi and have failed to act in accordance with Tikanga Maori.

The Manene and the Kawanatanga are creating disorder with this land, by failing to honour Te Tiriti o Waitangi, Rangatiratanga and Tikanga.

**A hearing is an opportunity for any Non-Maori to make a claim and be heard.**

We know Non Maori people do not have any legal rights to this land and territory, That their land titles are based on illegal illusions of rights created by a colonial regime

These land and MOE assets are immensely important for the Maori nation.

**It is essential for Te Rongo, the sacred peace between Nga A-Tu-A (environmental forces) and between Tangata Whenua, that all people here, honour Te Rongo, Te Mana me Te Rangatiratanga o Whenua and the Tikanga Maori under which this land is held.**

It is important to honour and preserve the Ihi, Wehi, Mana of Whenua and Nga A-Tu-A (natural environmental forces) by honouring, upholding, and enforcing Tikanga Maori.

**It is important and necessary to preserve** the position of Tangata Whenua and stop the Kawanatanga and Manene new objectives, plans and practices to wrongful and illegally expropriate, steal and injure this Maori land and property.

The Kawanatanga and their Manene are escalating their practice of wrongful and illegally expropriations of Tangata Whenua lands and the Maori resource base, to fund their unsustainable social, economic and political system and Kawanatanga regime.

The wrongful expropriation of these submerged lands, minerals and property is unlawful .

Manene and the Kawanatanga are increasingly and more seriously breaching Tikanga Maori under which this land is held.

Many more Manene are mobilising (with assistance from the Kawanatanga) to illegally deal with, trespass, collude, access, occupy, use, wrongfully expropriate, alienate and injure our land, minerals and property without our consent and in breach of Mana Whenua, Mana Moana, Mana Maori, Tikanga Maori, Te Whakaputanga o Te Rangatiratanga, Te Tiriti o Waitangi, Natural Justice, Tangata Whenua unalienable and inalienable rights, Original Maori and developed Maori Law.

The Kawanatanga and Manene continue to deal with this land, injure our property and rights, wrongfully and illegally expropriate, act unlawfully with

this land, and injure our Maori interests. And they fail to protect the rangatiratanga of this land.

The Kawanatanga has failed to be bound by, honour and enforce Mana Whenua, Mana Moana, Mana Maori, Tikanga Maori, Te Whakaputanga o Te Rangatiratanga, Te Tiriti o Waitangi, Natural Justice, Tangata Whenua unalienable and inalienable rights, Original Maori and developed Maori Law **Manene (Non-Maori)**

Many Manene have coveted our lands and are determined to enter, use and possess them using every means and method.

These Manene have used every means and method to take for them selves our Tangata Whenua resource base, from using foreign militia, armies to thwarting justice.

The Kawanatanga Thomas Gore Brown policy of taking Maori Land by any means at all has been continued by successive ambassadors of the Queen.

Brown used the term “recte si possint, si non quocunque modo” to summarise his policy to illegally take all Maori resources.

Now peoples from Australia, Brazil, USA, China covert our lands and the minerals they contain. We require the every assistance to stop them illegally accessing, dealing with, surveying, expropriating our land, minerals, petroleum and property.

### **The OTS attempt to end all Tangata Whenua rights.**

The colonial regime continues to actively attempt to take Maori land and settle (end) Maori rights to Maori land and minerals.

The Office of Treaty Settlement *Terms of Negotiation* and *Deeds of Settlements* state that their objective is to settle (end) all Tangata Whenua rights whatsoever. This includes ending all Tangata Whenua rangatiratanga rights to this Whenua, ending all Tangata Whenua Tiriti o Waitangi rights to this land, ending all Tangata Whenua legal rights to this land, ending all Tangata Whenua common law rights to this land, ending all Tangata Whenua legislative rights to this land, and ending all Tangata Whenua rights to access any Judiciary to determine matters that relate to this land. These OTS Terms of Negotiation and Deeds of Settlement breach and threaten to injure Mana Tangata Whenua, the Rangatiratanga of Maori, Tikanga Whenua, Te Tiriti o Waitangi, The Law, , Te Ture Whenua Maori Act and International Law Eg. The Terms of Negotiation recently signed by three Kawanatanga entities called Te Atiawa Iwi Authority, Taranaki Iwi Trust, Nga Hapu o Ruahine Iwi Authority and the Kawanatanga entity calling itself “The Crown” state that their intention is to end all Te Atiawa, Taranaki and Nga Ruahine rights whatsoever for all time. These three entities are minority groups of naïve, non representative Maori **who are paid to collaborate with the Kawanatanga and Manene to attempt to end Tangata Whenua rights. We call these minority Maori groups, Kuupapa and we do not represent them.** Kuupapa will need to represent themselves in Court and attempt to justify why they intend to breach Tikanga Maori and attempt to sell inalienable and unalienable Maori land and rights and breach Mana Maori, Tikanga Maori, the Law, Te Whakaputanga o Te Rangatiratanga, Te Tiriti o Waitangi, and Te Ture Whenua Act.

These OTS agreements intend to deal with, to alienate for all time all our Maori land. This dealing, for an objective of alienating our land, violates Mana Tangata Whenua, the Rangatiratanga of Maori, Tikanga Maori, Te Tiriti o Waitangi, The Law, Common law.

And under International Law, the Universal Declaration of Human Rights states

**Article 1** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 6.** Everyone has the right to recognition everywhere as a person before the law.

**Article 7.** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8.** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 10.** Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 15.** (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 17.** (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

**We call on all to people to live by the laws of peace and end the war against Tangata Whenua and their resource base.**

**Let us grow peace and joy and the abundance that flow from that.**

## Appendix W

### **The Waitangi Tribunal recorded these findings on the ongoing colonial regime's illegal and wrongful expropriation and keeping of Maori land.**

“ There has been continuing expropriation by various means from purchase assertions to confiscation after war” section 1.1

“many hapu were left nothing of their own to live on and became squatters” section 1.2

“ some reserves were eventually defined but they were given over to administrators to hold for Maori and the promotion of settlement. They were then leased to settlers on perpetual terms, with the result that Taranaki Maori , and they alone have still to receive the right to occupy the lands promised after the war” section 1.2

“It should be seen at once that this history is not a thing of the past” section 1.2

**“If war is the absence of peace, the war has never ended in Taranaki, because that essential prerequisite for peace among peoples, that each should be able to live with dignity on their own lands, is still absent and the protest over land rights continues to be made”.** section 1.2

“It needs to be appreciated that what was involved was a process, not a set of unconnected incidents.” Section 1.3

“Another form of expropriation, before the wars, were Crown purchases while customary rights and the process for alienation had not been agreed. In our view, for those reasons alone, in terms of the Treaty, those purchases should be vitiated.” Section 1.3

“The confiscation of tribal interests by imposed tenure reform was probably the most destructive and demoralising of the forms of expropriation” section 1.3

“making Maori land the illusory asset that it is for Maori today, and bequeathing to generations of Maori farmers frustration for their labours and divisions within their families.” Section 1.3

“The targeting of Maori land for public works or Government-supported industrial schemes was apparent as late as the 1970s and 1980s with the acquisitions for the New Plymouth Airport and various major economic projects in north Taranaki.” Section 1.3

**“We see the claims as standing on two major foundations, land deprivation and disempowerment, with the latter being the main.** By disempowerment, we mean the denigration and destruction of Maori autonomy or self-government. Extensive land loss and debilitating land reform would likely have been contained had Maori autonomy and authority been respected, as the Treaty required.’ Section 1.4

“The international term of aboriginal autonomy or aboriginal self-government describes the right of indigenes to constitutional status as first peoples, and their rights to manage their own policy, resources, and affairs, within minimum parameters necessary for the proper operation of the State. Equivalent Maori words are tino rangatiratanga, as used in the Treaty, and mana motuhake, as used since the 1860s.” section 1.4

“The process, which still applies today, is one where decisions particular to Maori are made not by Maori but on their behalf, even in the administration of their land or in the application of their traditions” section 1.4

“The rhetorical question in the Governments eyes was, whose authority should prevail, that of Maori or that of the Queen? The question in Maori eyes, as evidenced from the leadership of Wiremu Kingi, Te Whiti, and the Maori King, was how the respective authorities of Maori and Pakeha were to be recognized and respected and the partnerships maintained. To the governors of the day, such a position was an invitation to war. To Maori, it was the only foundation for peace. It was peaceful purpose that the Maori leadership most consistently displayed.” Section 1.4

**“Through war, protest, and petition, the single thread that most illuminates the historical fabric of Maori and Pakeha contact has been the Maori determination to maintain Maori autonomy and the Governments desire to destroy it. “** section 1.4

**“At no point of which we are aware, however, have Taranaki Maori retreated from their historical position on autonomous rights.** Despite the vicissitudes of war and the damage caused by expropriation and tenure reform, their stand on autonomy has not changed. Nor can it, for it is that which all peoples in their native territories naturally possess. If the drive for autonomy is no longer there, then Maori have either ceased to exist as a people or ceased to be free” section 1.4

**“Few Maori have been as inhumanely penalised for standing by their rights as the Taranaki hapu.”** Section 1.5.

“That is how Taranaki Maori ended their fighting. Never again did they raise arms in aggression; only in defence when pursued. They placed their faith instead in the pacifist prophets of Parihaka, Tohu, and Te Whiti, and even Titokowaru joined them. With more than 2000 adherents, the prophets developed new arts of cultivation and cultivated new arts of peace.” Section 1.5

“Because of the independence Maori had shown in the war, the Government made efforts to deprive Maori not only of their land but of all by which their traditional autonomy had been sustained.” Section 1.5

“Only then were reserves made, years after they were due, but as if to ensure that several hapu would be scattered to the winds, most reserves were held back from their possession, to be leased to settlers on perpetual terms. Thus, the conflict has not ended in Taranaki. **To this day, Maori have still to receive the lands that were their minimal due in terms of the promises of that war.**

**It is a further consequence of this extraordinary record of expropriation and deprivation that there is not one hectare of Taranaki land that is now held entirely on Maori terms and by Maori rules. All that could have been done was done to destroy the land base for Maori autonomy and representation.** In the governance of the Taranaki province, since the Treaty of Waitangi was signed, land has been reserved for the bush and the birds but not one acre could be guaranteed as a haven for Maori.” Section 1.5

**“The wars, in our view, were not of Maori making.** The Governor was the aggressor, not Maori, and in Treaty terms it was the Governor who was in breach of the undertakings made in the name of the Queen

**Of the numerous Treaty breaches, we believe none was more serious than the Governments failure to respect Maori authority.**” section 1.6.

“we consider the larger error was one not of fact but of principle. The Governor assumed that his own authority must prevail and that of Maori be stamped out, when the principles of the Treaty required that each should respect the other. While the Governor would not recognise this principle, Maori placed their faith in it.’ Section 1.6

**“The Governor was in rebellion against the authority of the Treaty and the Queens word that it contained. Maori were not in rebellion, in Treaty terms, because they supported the Treaty position and the expectation of partnership that it implied.** The written record is replete with Maori statements that demonstrate this approach; there was a place for Pakeha in their country, provided Pakeha could respect them.” Section 1.6

**“the confiscations in Taranaki were unlawful.”** Section 1.6

“For Maori, the consequences were horrendous. There was nothing left for them to live on. Far from ending the war, the confiscations became the cause of its continuance and forced Maori to unaccustomed levels of desperation.” Section 1.6

“This illegality may have been technically cured by a later amendment to the Act that made all illegalities legal, or at least beyond judicial review, but in our view this remarkable piece of legislative wit did nothing to save the unlawfulness of the confiscation of Parihaka lands, or the rest of central Taranaki.” Section 1.6

“nothing has been done to this day to make the original acquisition lawful.” Section 1.6

**“Maori were left without the protection of a court and at the mercy of the Government.”** Section 1.7

**“By 1976, 63 percent of the Maori reserves had been sold by the officials administering them.”** Section 1.7

“Thus, land was said to have returned to Maori, when in fact they were denied the control and possession of it. It was a sleight of hand, a show of justice while denying the substance.” Section 1.7

“As many witnesses and whole families protested at our hearings, they were denied even the right to forget. How could they forget when they saw their children leave home to seek work while they knew that the family land down the road would always be worked by strangers? How could they ask their children to respect the law and the property of others when they knew, and their children knew, that by the same law their own property had been permanently taken from them?” section 1.7

**“Taranaki Maori were dispossessed of their land, leadership, means of livelihood, personal freedom, and social structure and values.”** Section 1.8

“All were affected, even non-combatants, because everyone’s and was taken, people were relocated, land tenure was changed, and a whole new social order was imposed. The losses were physical, cultural, and spiritual. In assessing the extent of consequential prejudice today, it cannot be assumed that past injuries have been forgotten over time. The dispossessed have cause for longer recall. For Maori, every nook and cranny of the land is redolent with meaning in histories passed down orally and a litany of landmarks serves as a daily reminder of their dispossession.” Section 1.8

“In fact, grievances compound over time. As their economic performance is criticised, Maori have cause to reflect on their progress before their land was taken and on the opportunities lost in experience and infrastructure. When the harvesting of natural resources is curtailed, they have cause to consider that they had taken from them not only arable land but their interest in the bush, rivers, lakes, and sea. While they live with massive uncertainties as to their institutional structures and representation for their groups, they live also with the knowledge that their leaders were imprisoned and their institutions destroyed.’ Section 1.8

“The nature and extent of prejudice is thus not defined by the quantum of land wrongly acquired by the Crown. Quite rightly, it was not the quantum of loss but the impact of loss over time that the claimants most stressed’ section 1.8

**“Finally, most of the land was not returned to Maori possession; it was leased to Europeans and is held by Europeans to this day.** The amount that we would discount for lands purchased and returned is nil.” Section 1.8

‘In effect, the whole of the Taranaki land was affected by processes prejudicial to Maori and inconsistent with the principles of the Treaty, and the tribal rights in respect of the whole of that land were wrongly taken away. “ section 1.8

“We observe in that respect that the Tribunals jurisdiction in making recommendations does not include criteria that are usual for compensation in the courts. “ section 1.9

‘For Maori, their struggle for autonomy, as evidenced in the New Zealand wars, is not past history. It is part of a continuum that has endured to this day. The desire for autonomy has continued to the present day in policies of the Kingitanga, Ringatu, the Repudiation movement, Te Whiti, Tohu, the Kotahitanga, Rua, Ratana, Maori parliamentarians, the New Zealand Maori Council, Te Hahi Mihingare, iwi runanga, the Maori Congress, and others. It is a record matched only by the Governments opposition and its determination to impose instead an ascendancy, though cloaked under other names such as amalgamation, assimilation, majoritarian democracy, or one nation.’ Section 2.1

‘Without examining detail, it may also be considered that, in recent times, the underlying issue of aboriginal autonomy has been addressed more thoroughly in places other than our own. Support for this view may be found in the position in the United States of America and developments in Canada and Australia. These suggest the recognition of aboriginal autonomy is not in fact a barrier to national unity but an aid. They go further to recognise that conciliation requires a process of empowerment, not suppression” section 2.1

**“The autonomy approach posits two presumptions that seem to us to be true:**

**that autonomy is the inherent right of all peoples in their native countries; and**

**on the colonisation of inhabited countries, sovereignty, in the sense of absolute power, cannot be vested in only one of the parties’** Section 2.1

“We have introduced this matter at length because of its place in an understanding of the Maori position in Taranaki history. The need to respect other peoples is clearer today than formerly, and we more readily appreciate now that the conciliation of subjugated peoples requires a process of re-empowerment. Our colonial forebears, however, sought mainly to impose their own will. The single thread that most illuminates the historical fabric of Maori and Pakeha contact in Taranaki for over 150 years has been the determination of Maori to maintain their own autonomy and status and official attempts to constrain that determination. One sought peace by dialogue on equal terms, the other, by domination or by removing Maori altogether.” Section 2.1

“The primary trouble, however, was the Governments refusal to respect Maori authority **by treating with Maori as the equals that they were.**” Section 2.5

‘The Government thus destroyed the opportunities for trade and development between races, for Maori to share equitably in the benefits of colonisation, and for Maori to participate in the development of the country as equals and on their own terms.

More specifically, we consider that the circumstances surrounding the alienation of lands before the wars were such that, in assessing the steps necessary to remove the prejudice today, no distinction should be made between the lands said to have been sold prior to the wars and the lands confiscated as a result of those wars’

“Maori could have expected no less from the Treaty of Waitangi than the benefits of a regime competent to ensure justice and maintain principle. There was no part of the compensation scheme that delivered that expectation. Compensation was reordered to suit Western, not Maori, plans. Maori were excluded without good reason and the award of land depended not on principle but on expedience. **The effect was to impress not the rule of law but the rule that might was right.**” Section 6.8.5

“How does one regard land as returned when, through alteration of tenure, none was returned in the condition in which it was taken? Can one regard land as returned when it was returned without protection against future alienation and when the circumstances of the time and the imposed tenure system made alienation likely? Section 6.8.5

‘A more viable approach to the assessment of loss and prejudice is to examine the land that now remains in Maori ownership and to assess the extent to which that land is in fact an asset, not for individuals but for the people. If that approach is followed, it then becomes clear that **each hapu, as a hapu, has nothing, while formerly they held all.**’ Section 6.8.5

“The whole history of Government dealings with Maori of Taranaki has been the antithesis to that envisaged by the Treaty of Waitangi” section 12.2

**“The relationship between Maori and Pakeha law and authority has never been resolved, other than by force, to this day’** section 12.2

**“The settler government was unable to see that the essentials of peace is not the aggregation of power but its appropriate distribution.”** Section 12.2

**“As for the confiscation plan, it was in fact not a scheme to secure peace by occupation, as the legislation claimed, but a strategy to take the territory for the benefit of settlers.** Constantly expanding in proportion to the ambitions of its designers, the confiscation plan was immoral in concept and unlawful in implementation throughout the length and breadth of the land.” Section 12.2

“There is a conviction that from first settlement to the present there has been a concerted and unending programme to exclude Maori from land ownership throughout Taranaki. Law and order are not readily maintainable in that situation. Similar views are held by Australian Aboriginals and Canadian Indians, and it seems to be relevant that the three are the world's most imprisoned races. **The prejudice must be overcome.** The opinion that the world is no longer theirs to behold must stop with this generation.

We would expect any government seized of the consequences of the Taranaki legacy to have moved years ago to promote reconciliation through speedy and generous recompense. It took 60 years of agitation, however, before any inquiry was made, and then, as if to prevent proper public disclosure, that inquiry was so constrained by the Government that no full and proper investigation was possible” section 12.2

**“By the processes described, Taranaki Maori were plundered of their resources. The little left to them cannot sustain the cultural basis of their society for the future.** This situation arose from the attitude of the Europeans in departing so entirely from the promises on which the government of the country was established. Generous reparation policies are needed to remove the prejudice to Maori, to restore the honour of the Government, to ensure cultural survival, and to re-establish effective interaction between the Treaty partners’

Section 12.2

“As to quantum, the gravamen of our report has been to say that the Taranaki claims are likely to be the largest in the country.

The graphic muru of most of Taranaki and the raupatu without ending describe **the holocaust of Taranaki history and the denigration of the founding peoples in a continuum from 1840 to the present.**” Section 12.3.3

The above assessment of the size of the Taranaki claims is based upon the extent of prejudice or injurious affection. In historical claims, as distinct from the actionable and recent losses of individuals, the long-term prejudice to people may be more important than the quantification of past loss” Section 12.4

“The extent of property loss is of course relevant but is not solely determinative. It appears that compensation should reflect a combination of factors: land loss, social and economic destabilisation, affronts to the integrity of the culture and the people over time, and the consequential prejudice to social and economic outcomes, for example. “ section 12.3.4

**“We consider that 1,199,622 acres (485,487 ha) were confiscated,** that no distinction should be made in all the circumstances between that land and a further 296,578 acres (120,025 ha) said to have been purchased, and that a further 426,000 acres (172,402 ha) were expropriated by land reform and the Government's Native Land Court process, making some 1,922,200 acres (777,914 ha) in all. Even more important than the number of acres, however,

is the fact that the whole of the lands of most hapu were confiscated, the whole of the lands of every other hapu were also deleteriously affected, and lands were not adequately returned to any hapu to provide the minimum relief that was vitally necessary. In other words, when determining injurious affection, the impact of loss by reference to the proportion of land taken and the amount retained, having regard to the size of group, is more important than the amount taken in absolute terms.

Considering the ways in which the alienation of Maori land was effected, including land reform as a device to remove tribal controls for land retention, and having regard to the Crown's Treaty duty to ensure a sufficiency of land for each hapu, it is useful to consider the land in Maori possession today and to relate that, if possible, to the circumstances of the people. “ section 12.3.5

“We would assess the land left in Maori possession, however, to be less than 3 percent of the total area, and it may be that none of it will have a commercial benefit to hapu, as distinct from individuals. In commercial terms, the hapu loss would appear to be total. Relating that to the people is more difficult. The Taranaki Maori population cannot readily be assessed both because of Government policies from the 1840s to exclude Maori from the district and because of migration following land loss.” Section 12.3.5

**“Based on the inquiry to date, we assess the question of autonomy to be most at issue in the Taranaki claims. We consider the principal losses to be the destruction of the culture and society of the people and of the resources that traditionally underpinned them” Section 12.3.6**

“The history of Taranaki is not a set of unconnected incidents but a record of continual denial and repression, and that is the major problem to be addressed. Original prejudices have been resurrected and reinforced throughout each generation. The manner in which land was taken; the way in which the so-called purchases were effected; the human rights abuses, including imprisonments without trial; the injury sustained; the continued denial of rights over generations; the resultant state of race relations and the bitterness to be ameliorated; cultural marginalisation; and demographic dispersal are all relevant considerations under this heading.” Section 12.3.7

**“Based on legal principles, the Taranaki claims may be assessed in billions of dollars, yet claimants appear to be required to settle for a fraction of that due. ‘section 12.3.4**

“Whatever the case, it seems to us that a full reparation based on usual legal principles is unavailable to Maori as a matter of political policy, and if that is so, Maori should not be

required to sign a full and final release for compensation as though legal principles applied. How tribes can legally sign for a fraction of their just entitlement when they have no other option is beyond us. To require Maori leaders to sign for a full and final settlement in these circumstances serves only to destabilise their authority. If a full pay-off for the past on legal lines is impractical, and a massive sum would be needed in this instance, it is more honest to say so and to reconsider the jurisprudential basis for historical claims settlements.

“A more arguable case would appear to be that the settlement of historical claims is not to pay off for the past, even were that possible, but to take those steps necessary to remove outstanding prejudice and prevent similar prejudice from arising; for the only practical settlement between peoples is one that achieves a reconciliation in fact. Accordingly, it appears to us that generous reparation is payable, and if the hapu are to waive further claims to the Waitangi Tribunal in future, it must be subject to the Government maintaining a commitment to the people's restoration and adhering thereafter to the principles of the Treaty of Waitangi.” Section 12.2.10