

Justice Select Committee
Parliament Buildings
WELLINGTON

Tēnā koutou e te Komiti Whiriwhiri Take Ture,

Re: Ngā tāpaetanga mā Te Rūnanga o Ngāti Rēhia mō te hapū o Ngāti Rēhia e whakahē ana i te Pire mō ngā Mātāpono o te Tiriti o Waitangi

1. Ko ahau, ko Kipa Munro. E tuku ana ahau i ēnei tāpaetanga hei māngai mā Te Rūnanga o Ngāti Rēhia mō te hapū o Ngāti Rēhia e **whakahē rawa atu ana** i te Pire mō ngā Mātāpono o Te Tiriti o Waitangi (“Te Pire”).
2. E te Komiti Whiriwhiri, kāhore he painga o Te Pire nei, engari ara noa atu ngā hē, ngā tūkinotanga ki a Ngāti Rēhia, ki te Iwi Māori, otirā, ki te motu whānui. Nō reira, tukuna ngā tūtohunga ki te Kāwanatanga kia **whakakorengia Te Pire ināia tonu nei**, kia kua Te Pire e tae atu ki tana pānuitanga tuarua, kia aro tika te Kāwanatanga ki āna takohanga i raro i te Tiriti o Waitangi, ka mutu, kia whakaūngia e te Karauna ngā tūtohunga katoa o ngā pūrongo *Ngā Mātāpono*¹ a te Taraipiunara.

KO MĀTOU KO NGĀTI RĒHIA

3. I mua i taku tahuri ki te roanga ake o āku kōrero, me tīmata pū ahau ki ētahi kōrero mō Ngāti Rēhia, arā, ki tō mātou pepeha kia mōhio ai koutou ko wai mā a Ngāti Rēhia.
4. He hapū a Ngāti Rēhia nō te Tai Tokerau, nō Ngāpuhi nui tonu. E whai ake nei ko te Pepeha o Ngāti Rēhia. Ko te nuinga o ngā wāhi nei i nōhia ai e o mātou tūpuna mātua, i whakaingoangia e rātou, ka mutu, ngā kōrero hōhonu nei ka whakamaui ki roto i a mātou o Ngāti Rēhia:

*Ko Tokerau te tūtei
Ki te hauraro o te pūaha
Ko Rākaumangamanga ki te Rāwhiti
E rere atu nei Te Kerei Mangonui
Te Awa o ngā Rangatira
E tū mai rā
Te Pā o Kororipo
Titiro whakararo ki Orongo, ki Tākou Awa
Te wahi i mataaraatia ai e Puhi
Te waka tūpuna Mataatua e moe mai rā
Whiti whaka te uru
Ki te ngāherehere nui o te Puketi
Pohutu noa atu ki te moana o Omapere
Āwhiowhio ki te rangi*

*Tokerau is the sentinel mountain that stands
at the northern aspect of the harbour mouth
Rākaumangamanga stands to the east
Both Te Kerei Mangonui and Te Awa o ngā
Rangatira flow there-ward
Where stands
Kororipo Pā
Gazing northward to Mount Orongo and
Takou river
The territory cautiously guarded by our
ancestor Puhi
The ancestral canoe Mātaatua there gently
sleeps
Before crossing westward
To join the great forest of Puketi
Sweep past and onward to Lake Omapere*

1. See Waitangi Tribunal *Ngā Mātāpono: The Principles* (Wai 3300, 2024) and *Ngā Mātāpono Part Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown’s Treaty Principles Bill and Treaty Clause Review Policies* (Wai 3300, 2024).

*Kei runga Whakataha maunga
Kei raro ko te awa o Waitangi
Ka hirere ki Pokākā
Tōtika te whatumanawa o Īpipiri
Ko Ngāti Rēhia te hapū
Ko Ngāpuhi nui tonu te Iwi
Ko Whītiora, ko Hiruharama Hou,
Ko Whetu Mārama me Tauwhara ōna
marae
Tihewa mauri ora, ki te Wheiao
Ki te Ao Mārama.*

*We turn rising skyward
To Whakataha mountain
The fountain head of Waitangi river below
Gushing eastward to Mount Pokākā
Inexorably to the heart of the Bay of Islands
Ngāti Rēhia the Tribe
Ngāpuhi the Nation
Whose marae are Whītiora, Hiruharama Hou,
Whetu Mārama and Tauwhara.
This breath drawn life animates the emergent
World
Into broad daylight.*

5. Ko tō mātou pepeha, whakapapa me a mātou tikanga he hirahira rawa ki a Ngāti Rēhia, ā, ko te tūāpapa ēnei o tō mātou tuakiri, tō mātou ahurea Māori, tō mātou Ngāti Rēhiatanga. He mea here i a Ngāti Rēhia ki tō mātou taiao, reo Māori, ki ō mātou mātua tupuna anō hoki. Koinei te pūtake o tō mātou mana, ka mutu, e kore e taea te whakawehewehe.
6. Ko Ngāti Rēhia te kaitiaki o tō mātou riu me ngā mea katoa kei roto. Ka pūmau a Ngāti Rēhia ki ngā tikanga a kui mā koro mā, ki tō mātou reo rangatira, ki ngā whakapapa me a mātou kōrero tuku iho ki roto i a mātou mahi katoa. Koia nei e kaha kuhu ana a Ngāti Rēhia ki ngā kaupapa katoa e whai pānga ana ki tō mātou riu, e hāngai ana ki tō mātou mana me tō mātou rangatiratanga anō hoki, hei tiaki mō ngā uri whakatupu.
7. Kua kaha hoki mātou ki te whakahaere kaupapa kia mutu ai i ngā tāmitanga me ngā taimahatanga kua pā ki a mātou nā ngā ture, kaupapa here me ngā mahi aupēhi a te Karauna i roto i ngā tau. Nāwai rā, ka whakatūria e mātou Te Rūnanga o Ngāti Rēhia (“**Te Rūnanga**”) i te tau 2002 hei kawē i ngā kaupapa tōrangapū me ngā whakahaerenga hautū mō te hapū me o mātou rohe moana, rohe whenua anō hoki.
8. Ko te whāinga matua o Te Rūnanga kia tū pakari ai ngā uri o Ngāti Rēhia mō ngā take o te taiao, o te hāpori, o te ahurea, mā ngā whakatupuranga kei te whai mai, ka mutu, kia mahi tahi me ngā tāngata katoa e noho ana i te riu o Ngāti Rēhia kia kite i te houruatanga, i te mahi ngātahi a tētahi iwi ki tētahi atu hei painga mā tātou katoa.

Ngāti Rēhia, He Whakaputanga me te Tiriti o Waitangi

9. Me mārama hoki tēnei Komiti Whiriwhiri i te motuhake me te hirahira o Te Tiriti o Waitangi me He Whakaputanga o te Rangatiratanga o Nu Tireni ki a Ngāti Rēhia. Mai rā anō, kua pūmau a Ngāti Rēhia ki He Whakaputanga i tāmokohia e tō mātou rangatira a Tāreha i te 28 o Oketopa 1835 me Te Tiriti o Waitangi i tāmokohia e ngā Rangatira nui i te 6 o Pēpuere 1840.
10. I tā Tāreha tāmoko i He Whakaputanga, i whakaū ia i tōna mana i heke mai i a Io Matua Kore, i ngā Atua Māori, ka heke ka heke ki a ia, ki a Tāreha te Rangatira. I whakaputaina e ia ki te ao, ānei ko wai mātou me tana whakaū i a mātou anō mō ake tonu atu.

He whakamōhio tanganga anō hoki ki te ao, kei ngā Tino Rangatira te mana i te whenua. Nō reira, koia e mau nei a Ngāti Rēhia ki te mana nui me te tapu nui o He Whakaputanga ki a Ngāti Rēhia.

11. Ka whai mai ko Te Tiriti o Waitangi i te tau 1840. Ko Te Tiriti o Waitangi me He Whakaputanga, ka haere ngātahi. Ki te mōhio tātou ki Te Tiriti o Waitangi, me mōhio hoki tātou ki He Whakaputanga.
12. Ka mau tonu a Ngāti Rēhia ki ngā kupu a Tāreha mō ake tonu, nōnā e whakaū ana i tōna mana hei Tino Rangatira i tēnei whenua. I te rā 6 o Pēpuere 1840, ka meatia e ia;

“Horekau he Kawana mōku, mō te iwi Māori rānei. Ko mātou, mātou anake ngā tino rangatira, ngā kaiwhakahaere. E kore rawa e tukua tētahi atu, hei kaiwhakahaere i a mātou. Ko koe te tau iwi ki runga, ko au ki raro, ko koe ki runga rawa, ko au, Tāreha, te rangatira nui o Ngāpuhi, ki raro rawa! Kahore, kahore, e kore rawa, e kore rawa ...”

“There will be no governor for me, nor for the Māori People. We, we only are the chiefs, rulers. We will not be ruled over. What! Thou a foreigner, high, and I low! Thou high, and I, Tareha, the great chief of the Ngāpuhi tribes, low! No, no; never, never....”

13. Ahakoa pēhea nei te titiro, e mārama ana ki a Ngāti Rēhia, kāhore tō mātou mana i riro, kāhore tō mātou rangatiratanga i tukua ki te Karauna, ki tētahi atu. Kua kaha tā Ngāti Rēhia tae atu ki te Taraipiunara i roto i ngā tau ki te tuku i ēnei kōrero tuku iho, kōrero taunaki anō hoki mō te hirahira me tā mātou mōhio tanganga ki ngā kawenata tapu nei, ko He Whakaputanga me Te Tiriti o Waitangi.
14. Koia e whakaaetia katoatia ana e Ngāti Rēhia ki ngā kitenga a te Taraipiunara i tana pūrongo *He Whakaputanga me te Tiriti o Waitangi* e meatia ana;

“in February 1840 the Rangatira who signed te Tiriti did not cede their sovereignty. That is, they did not cede their authority to make and enforce law over their people or their territories.”²

15. Nō reira, ka pūmau a Ngāti Rēhia ki te mana me te tapu o ēnei kawenata i roto i a mātou mahi katoa, i runga i te mōhio i tūmanakotia e ngā Rangatira ki tētahi ao ka noho mana orite te Māori me te Pākehā, i tētahi ao ka rongō i te wairua o te houruatanga, i te ngākau pono me te ngākau pai, i te whakaute anō hoki, ā, kia noho ora ai tātou katoa i ēnei whenua.

2. Waitangi Tribunal, *He Whakaputanga me te Tiriti, The Declaration and the Treaty: Report on Stage 1 of the Te Paparahi o Te Raki Inquiry* (Wai 1040, 2014), at 529.

16. Engari ko Te Pire nei, e takahi kino nei i ngā whakaaro katoa o o mātou tūpuna Rangatira pēnei i a Tāreha. Nō reira, i runga i tēnei āhuatanga, e kore rawa a Ngāti Rēhia e noho noa kia hōrapa haere tēnei momo tūkinotanga ki waenga i a tātou.

Te tū whakahē a Ngāti Rēhia i Te Pire

17. E whakahē rawa atu ana a Ngāti Rēhia i Te Pire nei e whai ana ki te raweke me te panoni i te Tiriti o Waitangi me ōna mātāpono me tana whai take anō hoki ki ngā whakahaerenga katoa i ēnei whenua.
18. Mātua rā, ko te haere poka noa a te Kāwanatanga ki te tautoko i tēnei kaupapa, ki te whakairo i Te Pire nei ko ia anake tētahi hē nui rawa atu. He tika, e ai ki te Tiriti o Waitangi, kia noho mātāmua te whakaute tētahi ki tētahi i ngā wā katoa. He whakaute i te mana motuhake o ngā hapū, o ngā rangatira, i ngā tikanga Māori, i te reo Māori, i te ao me te ahurea Māori, i ngā taonga Māori, ka mutu, i ngā rerekētanga ki waenga i ngā ao e rua. Engari mō tēnei Pire, kua huri tuarā kē te Kāwanatanga ki ēnei āhuatanga. Kua mahue i a te Kāwanatanga te reo o te Māori, o ngā hapū anō hoki pēnei i a Ngāti Rēhia. Kāhore te Kāwanatanga i paku kōrerotahi ki a Ngāti Rēhia, me te aha anō, kāhore hoki a Ngāti Rēhia i whakaae ki tēnei Pire. Nōhea rawa e whakaae.
19. Nō reira, i runga i tēnei āhuatanga me ngā herenga whakapapa ki a Ngāti Rēhia, i pōhiritia e ahau te Kaiārahi o te Pātī Act, te Minita Tuarua o ngā take ture, ki te huitahi ki a Ngāti Rēhia. I whakamōhio atu ki a ia i taua hui i te 15 o Tihema 2023 i ngā mahi nui kua oti i a Ngāti Rēhia me ngā mahi e kōkiri tonu nei e mātou hei painga mō te hapū. Ko taku kī ake ki a ia, kāhore mātou i te whakaae ki āna kaupapa here me ōna whakaaro i kaha nei ia ki te whakatairanga i te wā o ngā pōti, ā, ko Te Pire tētahi o aua kaupapa. Ka mutu, e takahi ana āna kaupapa here i ngā mahi nui a Ngāti Rēhia, otirā, i ngā mōtika a Ngāti Rēhia. Ahatia a mātou kōrero ki a ia, kua taringa kōhatu ia ki tana hapū.
20. I tae atu hoki a Ngāti Rēhia hei Kaitono ki te whakahē i Te Pire ki mua i te Taraipunara i te marama o Mei 2024. I tuku kōrero taunaki ahau ki te aroaro o te Taraipunara mā Ngāti Rēhia, ā, ko aua tuhinga (i ngā reo e rua) kua tāpirihia ki ēnei tāpaetanga hei pānuitanga mā koutou. Ahakoa te kaha o te reo whakahē ki Te Pire nei, i taringa kōhatu te Kāwanatanga ki tō mātou reo, ā, i kōkiri tonu me Te Pire nei. He takahi tēnei i ngā mātāpono pū o te Tiriti o Waitangi, inarā hoki o te houruatanga me te takohanga a te Karauna kia mahitahi me te Māori i runga i te ngākau pono me te ngākau pai. Kātahi te āhuatanga whakawehewehe ko tēnei.
21. Ara noa atu ngā hē o Te Pire nei, e kore e ea i te kupu te nui o Te Pire nei hē, te nui hoki o tā mātou whakahē i Te Pire, hoi anō, kia whakarāpopoto ahau i kōnei ētahi anō kōrero whakahē a Ngāti Rēhia;
 - a. E whakaiti ana Te Pire i ngā Rangatira i tāmokohia i He Whakaputanga me Te Tiriti o Waitangi.
 - b. E mārama ana te kite i Te Pire whai kia whakarerekē i te Tiriti o Waitangi pū, i tana whakamāramatanga me tana wairua. E mea ana a Ngāti Rēhia, he mahi whāwhā,

he mahi tinihanga tēnei. E whai ana Te Pire ki te whakauru i ētahi mātāpono hou, kāhore anō kia kitea, kāhore ōna ritenga ki Te Tiriti o Waitangi, ki te Treaty raini, kāhore hoki ōna ritenga ki ngā mātāpono kua āta whanake mai i ngā Kōti me te Taraipiunara i roto i ngā tau 50 kua hori. I Te Pire ka hanga mātāpono hou, e hanga ana hoki i ētahi mōtika hou mā tangata kē atu kāhore i roto i te Tiriti o Waitangi, ā kahore i whakaaetia e ngā Rangatira i te tau 1840. Nā ēnei mahi, ka noho ko Ngāi Māori hei papa, ā, ko Ngāi Māori anahe ka whakahāweatia.

- c. E whai ana Te Pire ki te whakakore i ngā mōtika motuhake a te Māori i whakaūngia e te Tiriti o Waitangi.
- d. E whai ana Te Pire ki te whakakore i te rangatiratanga o te Iwi Māori, o Ngāti Rēhia anō hoki, ā, kia whakawhāiti te rangatiratanga me ngā mōtika motuhake a te Māori ki ēra ka whakaaetia e te Karauna ki roto i ngā ture whakataunga kerēme.
- e. E whai ana Te Pire ki te whakapākehā i te Māori. He hē nui tēnei nā te mea kāhore tēnei i te whakanui, i te tautiaki tika i ngā āhuatanga Māori, ngā āhuatanga motuhake ki te ahurea Māori, pēnei i ngā kawa me ngā tikanga anō hoki.
- f. Horekau he paku taunakitanga e tautoko ana i Te Pire hanga mai, horekau he mātanga mōhio ki ngā take Tiriti, ki ngā take ture ā-papa e tautoko ana i Te Pire nei, nō reira, kua hē katoa te pūtaka me te tūāpapa o tēnei kaupapa here. E whai noa ana i ngā whakaaro me te hiahia a te tangata kotahi, a te pāti tōrangapū kotahi. Ko te Kāwanatanga, kua whakaae ki ēnei whakaaro, kua whakaae kia tuku i tēnei kaupapa hē ki te aroaro o te motu, me te aha, kua whakamātāmuri te Kāwanatanga i te Tiriti o Waitangi me ōna haepapa ki te Iwi Māori ki raro i te Tiriti o Waitangi kia mana ake ko te Kāwanatanga Whakaaetanga Whakatōpū (e kīa nei ko te Coalition Agreement).
- g. Nā tēnei Pire me ngā mahi hē a te Kāwanatanga, ka noho tōtara wāhi rua te motu whānui, te Karauna me Ngāi Māori anō hoki. Kua roa nei a Ngāti Rēhia e mahitahi ana ki te Karauna, ki ngā tari Kāwanatanga me te Kaunihera hei painga mā te hapū, ahakoa te tino pakeke i ōna wā. Engari nā tēnei Pire, ka tino raru ngā hononga ki waenga i ngā hapū ki te Kāwanatanga. Ka tino raru tō mātou anga whakamua nā te mea ko Te Pire e ngana ana ki te haukoti i tō Ngāti Rēhia whakatinana i tō mātou mana motuhake, rangatiratanga ki roto i tō mātou riu.
- h. He hapū a Ngāti Rēhia e ngākaunui ana ki tō mātou reo Māori, ki a mātou nei tikanga. Hoi anō, kāhore Te Pire e paku aro ana ki te reo Māori me onā tikanga. Ka mutu, i tuhia Te Pire ki te reo pākehā nahe nei. Engari, e mōhio ana tātou, ko Te Tiriti o Waitangi (te tuhinga reo Māori) kē te mea i tāmokongia e te nuinga o ngā Rangatira Māori (koni atu i te 500 Rangatira) tēnā i tōna 39 noa iho i tāmokongia i te Treaty. Ahatia ngā tukitukinga ki waenga i te Tiriti me te Treaty, e kore tonu e taea e te Karauna, otirā, e te reo pākehā te whakamārama i ngā āhuatanga o te Tiriti o Waitangi. Ka mutu, kāhore hoki i te tika tā te Pāti Act whirinaki atu ki te Tiriti o Waitangi me tana reo Māori ki te tautoko i ō rātou whakaaro mutunga kē mai o te kaikiri.

- i. Kua hē katoa te pūtake o tēnei kaupapa here i te kī ake e whai ana Te Pire kia whai “certainty” mō ngā mātāpono o Te Tiriti o Waitangi, waihoki, kia matapakihia e te motu whānui i te tūranga o Te Tiriti o Waitangi i Aotearoa. E mārama ana tātou ki ngā mātāpono kua āta whanake haere i roto i ngā tau 50, nō reira, kāhore he raru ki ngā mātāpono e mōhiotia whānuitia e tātou pēnei i tā te Pāti Act e kī nei. Ka mutu, ehara tēnei Pire i te ara tika hei matapaki i Te Tiriti o Waitangi me te ture ā-papa o Aotearoa. Me noho mātāmua ko Te Tiriti o Waitangi ki roto i tēnei kaupapa nui, me whai reo te Iwi Māori, me kua e waiho mā te Karauna e hanga poka noa i tētahi ture pēnei te hē.
- j. E tautoko mārika ana a Ngāti Rēhia i ngā pūrongo *Ngā Mātāpono* e rua a te Taraipiunara e hāngai pū ana ki Te Pire nei me tana kaupapa here, inarā hoki, i ngā kitenga e whakaū ana i ngā takahitanga nui a Te Pire i te Tiriti o Waitangi me ōna mātāpono. Mea nei ētahi o ngā kitenga mō Te Pire i *Ngā Mātāpono* e kōrero ana mō ngā whakahāweatanga ka pā ki a Ngāi Māori ki te whai mana Te Pire, ā , ko Ngāti Rēhia e tautoko nui ana;
 - i. the relationship between the Crown and Māori, based on partnership and the obligations of good faith and reciprocal cooperation, would **cease to exist**;³
 - ii. current or future settlement negotiations would also be inhibited by the new principles unless the existing principles continue to apply. This underlines the **unfairness** of the new principles;⁴
 - iii. principle 2 would **freeze Māori rights as at 1840**, foreclosing on their right to development;⁵
 - iv. the Bill would introduce new principles that have **no legitimacy**, and this would undermine the founding document in our constitutional arrangements, bringing into question the legitimacy of the Crown and its institutions;⁶
 - v. The new principles would advance the discredited agenda of assimilation, as **they are designed to end the distinct status of Māori as the indigenous people of this country**;⁷
 - vi. it would be **the worst, most comprehensive breach** of the Treaty/teTiriti in modern times. If the Bill remained on the statute book for a considerable time or was never repealed, **it could mean the end of the Treaty/te Tiriti**;⁸

3. *Ngā Mātāpono Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown’s Treaty Principles Bill and Treaty Clause Review Policies* (Wai 3300, 2024) at xvi (emphasis added)

4. At xvi (emphasis added).

5. At xvi (emphasis added).

6. At xvi – xvii (emphasis added).

7. At xviii (emphasis added).

8. At xiv and 109 (emphasis added)

9. At xvi and 109 (emphasis added).

- vii. the Bill would mean the **extinguishment of tino rangatiratanga in a legal sense**.⁹
- k. Hei tā Ngāti Rēhia, e taunu ana te Karauna i a mātou i a rātou mahi whāwhā, whakaparahako i te Tiriti o Waitangi me ōna mātāpono. Ka kore mātou e tukua kia tūkinohia mātou me tō tātou kawenata e te Karauna.

Ngā Mātāpono o Te Pire

- 22. E whai ana Te Pire kia mana ā ture ēnei mātāpono e toru o Te Tiriti o Waitangi, ka mutu, e kī ana Te Pire ko ēnei ngā mātāpono tūturu me whakahāngai ki ngā ture katoa e whai take ana ki ngā mātāpono o te Tiriti;¹⁰

Principle 1

- (1) The Executive Government of New Zealand has full power to govern, and the Parliament of New Zealand has full power to make laws:
 - (a) in the best interests of everyone; and
 - (b) in accordance with the rule of law and the maintenance of a free and democratic society.

Principle 2

- (1) The Crown recognises, and will respect and protect, the rights that hapū and iwi Māori had under the Treaty of Waitangi/te Tiriti o Waitangi at the time they signed it.
- (2) However, if those rights differ from the rights of everyone, subclause (1) applies only if those rights are agreed in the settlement of a historical treaty claim under the Treaty of Waitangi Act 1975

Principle 3

- (1) Everyone is equal before the law.
- (2) Everyone is entitled, without discrimination, to—
 - (a) the equal protection and equal benefit of the law; and
 - (b) the equal enjoyment of the same fundamental human rights.

10. See the *Principles of the Treaty of Waitangi Bill 2024* (94-1)

Principle 1

23. E kī ana te mātāpono tuatahi kei a te Karauna te mana tiketike, te mana nui ki te whakahaere i ēnei whenua, ka mutu, te mana nui ki te whakarite ture hei whai mā te motu katoa. Katahi te pōhēhē nui ko tēnei, arā, te pōhēhē i tukuna e ngā Rāngatira mā te Tiriti o Waitangi tō rātou mana motuhake, rangatiratanga ki te Karauna kia whakahaere i ēnei whenua a tātou, ki te whakarite ture pākehā mā ngā Iwi me ngā hapū. Katahi te whakaaro hē ko tēnei.
24. Ko te Ātikara Tuatahi o Te Tiriti o Waitangi i tukuna ki te Karauna te mana whakahaere o te hunga pākehā ka tae mai ki ēnei whenua, ā, hei tā te Ātikara Tuarua ka mau tonu ngā Rangatira me ngā hapū i tō mātou rangatiratanga o o mātou whenua, kāinga, taonga katoa.
25. Kua whakatauria kētia e te Taraipiunara tēnei kaupapa nui ki roto i tana pūrongo Wai 1040 *He Whakaputanga me te Tiriti o Waitangi* i te tau 2014. E mōhiotia whānuitia ana ēnei kitenga e mea ana;¹¹
- The rangatira who signed te Tiriti in February 1840 did not cede their sovereignty (or authority to make and enforce law over their people or their territories) to Britain.
 - They agreed to share power and authority with Britain, with the Governor having authority to control British subjects in New Zealand, and keep the peace and protect Māori interests.
 - They consented to the Treaty on the basis that they would be equals with the Governor, though they were to have different roles and different spheres of influence (the detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis).
 - They agreed to enter land transactions with the Crown, and the Crown promised to investigate pre-Treaty land transactions and to return any land that had not been properly acquired from Māori.
 - They appear to have agreed that the Crown would protect them from foreign threats and represent them in international affairs, where that was necessary.
26. E mārama ana te kite i roto i ēnei kitenga ko te utu o te momo mana kāwanatanga i whakaaetia ki te Karauna (ki runga o Ngāi Pākehā anahe) ko te whakaū i te Māori rangatiratanga ki o mātou whenua, kāinga, taonga katoa, ā, me te Karauna kītaurangi kia tiaki i te rangatiratanga me ngā mōtika a te Māori. Hoi anō, e arokore ana te mātāpono tuatahi o Te Pire ki ngā kupu o te Tiriti o Waitangi, ki tana whakamāramatanga me tana wairua tika.

11. Waitangi Tribunal, *He Whakaputanga me te Tiriti, The Declaration and the Treaty: Report on Stage 1 of the Te Paparahi o Te Raki Inquiry* (Wai 1040, 2014), at 529.

Principle 2

27. Mātua rā, e whai ana te mātāpono tuarua ki te haukoti i te rangatiratanga o te Māori, ki te whakakore i te Māori mana motuhake, rangatiratanga anō hoki. E mea ana tēnei mātāpono, pena he rerekē ngā mōtika a te Māori ki tangata kē atu, ka whaimana anahe ēnei mōtika pena kua whakaaetia e te Karauna ki ēnei mōtika motuhake ki roto i tētahi ture whakataunga kerēme.
28. E mea ana tēnei mātāpono tuarua, ko te rangatiratanga o te Māori ka ahu mai i te Karauna me te mana o te Karauna. Ko te mutunga kē mai tēnei o te hē. I ahu kē mai tō mātou mana motuhake, rangatiratanga anō hoki i te whenua, i ngā moana me ngā awa, i tō mātou whakapapa, i a mātou tikanga me ngā kawa, kua i te Karauna, i ngā ture whakataunga kerēme raini.
29. He mahi whāwhā tēnei, e whakaaro kore ana ki ngā kītaurangi a te Karauna ki ngā Rangatira me ngā hapū ki te tautiaki i tō mātou rangatiratanga. Nō reira, e whai ana tēnei mātāpono ki te whakakore i tēnei kītaurangi, ā, kia waimehatia te rangatiratanga.
30. Nā te mea hoki kāhore anō a Ngāti Rēhia, otirā, a Ngāpuhi kia whakatau i a mātou kerēme Tiriti, e mea ana tēnei mātāpono he rite tonu a mātou mōtika ki tēnā o te motu whānui. He whakahāweatanga nui tēnei mātāpono ki runga i a Ngāpuhi whānui me rātou ngā Iwi, ngā hapū kāhore anō kia whakatau i a rātou kerēme Tiriti. Ko mātou kē te tangata whenua o ēnei whenua, me tahuri tika mai te Karauna ki tēnei meka.

Principle 3

31. Kua hē te whakamahinga o tēnei mātāpono tuatoru nā te mea ko te Tiriti o Waitangi, he whakaaetanga ki waenga i te Karauna me te Māori anahe. Ā, ko te Ātikara Tuatoru i whakaaetia e te Karauna kia tautiaki i te Māori hei utu mō te mana kāwanatanga i tukuna e nga Rāngatira (ki runga i a Ngāi Pākeha anahe) ki a rātou. Arā, ka tukuna ki te Māori ngā tikanga rite tahi ki te Pākeha. Mō te hunga kē atu, he ture, he whakaritenga anō ka whai pānga ki a rātou pēnei i te NZBORA 1990 me te Human Rights Act 1993.
32. He mea āpiti ngā mōtika o te Ātikara Tuatoru ki ngā Ātikara Tuatahi me te Tuarua. Hoi anō, e mea ana Te Pire me tēnei mātāpono, ka noho mātāmuri te rangatiratanga ki te Ātikara Tuatoru (me te mātāpono tuatoru i Te Pire nei).
33. Kua kapi katoa i a te Taraipiunara i tana pūrongo *Ngā Mātāpono* ngā hē o te mātāpono tuatoru, mea nei aua kitenga e tautokotia ana e Ngāti Rēhia;¹²
 - a. The Crown's solemn promises in article 3 were made to Māori, not 'everyone', in recognition of their agreement to the Crown's kāwanatanga and pre-emption powers.
 - b. The right to equality while important was only one of the rights that the Crown promised to Māori as the rights and privileges of British subjects.

12. *Ngā Mātāpono – Part II*, above n 3, at 109.

- c. Article 3 promised the Queen’s protection, from which the principle of active protection is partly derived, but this has been omitted entirely from Principle 3.
- d. Māori face barriers to equality that others do not, and many of those barriers were of the Crown’s making, which means that Māori do not always have a level playing field with other New Zealanders, and equitable treatment is required to ensure outcomes that are more equal. Equality without equitable treatment does not capture the promises made in article 3 or the meaning of the Treaty / Te Tiriti as a whole.
- e. People in a modern liberal democracy can and do have different rights. Both officials and the Associate Minister interpreted the right to equality to mean that whenever the Treaty / Te Tiriti is relevant to interpreting the law, it ‘cannot be done in a way that means people do not enjoy the same rights’. In our view that is not equality, that is a negation of legitimate rights with assimilative intent.

Kōrero Whakakapi

34. Ko ngā kupu kino katoa kei te tangata, utaina ki runga i tēnei Pire nā te mea horekau ana painga, engari ara noa atu ana hē. He takahi, he whakaiti, he whakaparahako, he whāwhā, he tinihanga te wairua o Te Pire nei.

35. I te nohoanga a te Taraipiunara i te ruku tātari ohotata Wai 3300 i tōtika āku kōrero mō te momo kino o Te Pire nei ki a Ngāi Māori. Ka whakahua anō i konei hei pānuitanga mā koutou;¹³

Mātou me ērā atu o ngā kaikerēme e aru ana, e aru ana tēnā nohonga Taraipiunara ki tērā, ki tērā, ki tērā, ka piki ake tātou a Ngāi Māori ka poro ō mātou nei waewae, ka piki ake anō ka poro ō mātou nei waewae. Tēnei pire, he poro ūpoko, he poro ūpoko.

36. Ko ngā riponga wai nā te Kāwanatanga whakataunga kia hanga mai i Te Pire nei, ka rangona whānuitia e ngā whakareanga kei te whai mai. Ki te mana Te Pire, ko te wairua whakawehewehe tāngata ka ora mō ngā tau maha kei te heke mai.

Ngā tūtohunga

37. Nō reira, i runga i ēnei āhuatanga katoa, e kaha āki ana a Ngāti Rēhia i te Komiti Whiriwhiri ki te tuku tūtohunga;

- a. Kia whakakorengia tēnei Pire ināia tonu nei;
- b. Kia kaua tēnei Pire e tae atu ki tana pānuitanga tuarua;
- c. Kia aro tika te Kāwanatanga ki He Whakaputanga me ōna takohanga katoa i raro i Te Tiriti o Waitangi;

13. Wai 3300, #A4.1.6, Hearing Transcript at pages 181-182.

- d. Kia whakaūngia e te Karauna ngā tūtohunga katoa o ngā pūrongo *Ngā Mātāpono* a te Taraipiunara ināia tonu nei.
38. E tika ana kia pēnei te Karauna kia mutu i te tūkinō e rangona whānuitia ana e te Iwi Māori, hei whakaoranga anō hoki mō te Iwi Māori kua tūkinotia, kua whakahāweatia.
39. Ki te kore tēnei Pire e whakakorengia, ki te tae atu raini ki te pānuitanga tuarua, he tino whakahāweatanga putanga kore ka pā ki a Ngāti Rēhia, ki te Iwi Māori whānui.
40. E te Komiti Whiriwhiri, tukuna a Ngāti Rēhia kia tuku ā-wahatia ēnei tāpaetanga ki mua i tō aroaro kia rongō ai koutou i te reo ake, i te reo tūturu o Ngāti Rēhia.

Nāku noa, nā



William Skipper (Kipa) Munro
Chairperson, Te Rūnanga o Ngāti Rēhia