

Te Rūnanga o Ngāti Rēhia

Greetings to you, the Justice Select Committee,

**Re: Submissions of evidence on behalf of Te Rūnanga o Ngāti Rēhia for the hapu of Ngāti Rēhia opposing the Principles of the Treaty of Waitangi Bill**

1. I am Kipa Munro. I make this submission as a representative of Te Rūnanga o Ngāti Rēhia for the hapū of Ngāti Rēhia **that strongly oppose** the Principles of the Treaty of Waitangi Bill (“the Bill”).
2. To the Select Committee, there is no benefit of the Bill, but there are several issues with it, the abuse of Ngāti Rēhia, the Māori people, indeed the wider nation. And so, recommend to the Government that **the Bill be immediately abolished**, that the Bill not make it to second reading, that the Government directly review its contributions under the Treaty of Waitangi, and furthermore that the Crown implement all recommendations made in the Tribunals’ report *Ngā Mātāpono*.<sup>1</sup>

**We are Ngāti Rēhia**

3. Before I elaborate on my statements, I should begin with some information about Ngāti Rēhia, i.e. our pepeha so that you are aware of who we are as Ngāti Rēhia.
4. Ngāti Rēhia is a hapū from Northland, from Ngāpuhi the Great. Below is the pepeha of Ngāti Rēhia. The majority of these sites were inhabited by our ancestors and forebears, they were named by them, and these important narratives will be immortalised within us, 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 mataaraaratia 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 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 Whitiora, ko Hiruharama Hou, Ko Whetu Mārama me Tauwhara ūna marae Tihewa mauri ora, ki te Wheiao Ki te Ao Mārama	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 causiously gaurded 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 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 Whitiora, Hiruharama Hou, Whetu Mārama and Tauwhara. This breath drawn life animates the emergent World Into broad daylight
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<sup>1</sup> 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).

5. Our pepeha, our whakapapa and our customary practices are crucial to Ngāti Rēhia, and they constitute the foundation of our identity, our Māori culture, and who we are as Ngāti Rēhia. It binds Ngāti Rēhia to our environment, the Māori language, and to our ancestors also. This is the source of our power, and it is not something that can be separated from us.
6. Ngāti Rēhia are the custodians of our valley and all things within it. Ngāti Rēhia is committed to the practices of our matriarchs and patriarchs, to our noble language, to our whakapapa and our historical narratives within all that we do. This is the reason Ngāti Rēhia is strongly engaged in all initiatives that affect our valley, that are related to our authority and our sovereignty, to protect the future generations.
7. We are also very active in running initiatives to end the oppression and difficulties that affect us through legislation, policy and oppressive actions of the Crown over the years. Over time, we established Te Rūnanga o Ngāti Rēhia (“**Te Rūnanga**”) in 2002 to execute our political initiatives and leadership for the hapū and our maritime and terrestrial estates.
8. The primary goal of Te Rūnanga is for the descendants of Ngāti Rēhia stand strong with respect to the issues of the environment, the community, the culture, and for the generations that follow, and furthermore to ensure cooperation with all people that reside within the valley of Ngāti Rēhia so that we see true partnership and collaboration between iwi for the benefit of all.

### **Ngāti Rēhia, the Declaration of Independence and the Treaty of Waitangi**

9. This Select Committee must understand the special nature and the significance of the Treaty of Waitangi and the Declaration of Independence of New Zealand to Ngāti Rēhia. From the very beginning, Ngāti Rēhia has committed to the Declaration of Independence that was signed by our leader, Tāreha, on 28 October 1835, and the Treaty of Waitangi that was signed by the Māori Leaders on 6 February 1840.
10. With Tāreha’s signing of the Declaration, he confirmed his mana that descended to him from Io Matua Kore<sup>2</sup>, the Māori Pantheon, ultimately bequeathed to Tāreha the Chief. He then brought it forward into the world, this is who we are, and who he has confirmed us to be forever. Furthermore so that whomever may be concerned is aware, the True Chiefs hold the mana over the nation. And so this is the reason that Ngāti Rēhia maintains the ultimate power and sanctity of the Declaration to Ngāti Rēhia.
11. The Treaty of Waitangi then followed in 1840. The Treaty of Waitangi and the Declaration of Independence go together. If we are aware of the Treaty of Waitangi, we should also be aware of the Declaration.
12. Ngāti Rēhia maintains the words of Tāreha forever, since the time he confirmed his authority as True Chief over this land. On 6 February 1840, he stated;

*“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 tauiwi 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, Tāreha, the great chief of the Ngāpuhi tribes, low! No, no; never, never....”*

<sup>2</sup> Believed by some iwi Māori to be the supreme being who is the source of all creation.

13. However you look at it, it is clear to Ngāti Rēhia that our mana was never relinquished, and our sovereignty was never ceded to the Crown, nor to anyone else. Ngāti Rēhia has frequently appeared before the Tribunal over the years to make offer such historical narratives and submissions of evidence for the importance and for our knowledge of these sacred covenants, the Declaration and the Treaty of Waitangi.
14. This is why Ngāti Rēhia absolutely agrees with the findings of the Tribunal in its report *He Whakaputanga me te Tiriti o Waitangi* that states:
 

*“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.”<sup>3</sup>*
15. Thus, Ngāti Rēhia retains the authority and sanctity of these covenants in all of our activities, in the knowledge that the Chiefs hoped for a world in which Māori and Pākehā have the same authority, a world in which the spirit of partnership is felt, with honesty and good will, and respect also, in which we all achieve wellbeing in this land.
16. But this Bill violates all the thoughts of our noble ancestors such as Tāreha. And so, in light of that, Ngāti Rēhia will never just sit and allow these kind of abuses become widespread among us.

#### **Ngāti Rēhia’s position in opposition of the Bill**

17. Ngāti Rēhia strongly opposes any intention to manipulate and change the Treaty of Waitangi and its principles, and its affect on all activities in these lands.
18. Firstly, the Government’s heedlessly supporting this initiative, to draft this Bill on their own is a grave mistake. It is true, according to the Treaty of Waitangi reciprocal respect is paramount at all times. Respect of the power of self-determination of the hapū, the leadership, Māori customary practices, the Māori language, the Māori world and culture, the things that Māori hold dear, and furthermore the differences between the two worlds. But through this Bill, the Government turns its back on these things. The Government has abandoned the language of the Māori, and the hapū also like Ngāti Rēhia. The Government has not consulted at all with Ngāti Rēhia, and furthermore Ngāti Rēhia does not support this Bill. We never will.
19. And so, in light of these things and the genealogical bonds to Ngāti Rēhia, I invited the Leader of the ACT Party, the Associate Minister of Justice, to meet with Ngāti Rēhia. I informed him of this meeting on 15 December 2023 with significant actions of Ngāti Rēhia and the work we are progressing for the benefit of the hapū. What I said to him was that we do not agree with his policies and his opinions that he so strongly promoted during the election, and the Bill is one of those initiatives. Furthermore, his policies violate the many activities of Ngāti Rēhia, indeed the rights of Ngāti Rēhia. Despite our communications with him, he has turned deaf ears towards his hapū.
20. Ngāti Rēhia also appeared as an Litigant to oppose the Bill before the Tribunal in the month of May 2024. I presented evidence before the Tribunal on behalf of Ngāti Rēhia, and those documents (bilingual) are attached to this submission of evidence for your reading pleasure. Despite the strength of the voices opposed to this Bill, the Government remains deaf to our pleas, and progressed this Bill. This is a violated of the true principles of the Treaty of Waitangi, particularly the partnership and the

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<sup>3</sup> 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.

responsibility of the Crown to work together with Māori i honesty and good faith. This is an incredibly divisive action.

21. There are several issues with this Bill, and words will never completely express the scale of said issues in the Bill, nor the strength of our opposition to the Bill, however allow me to summarise here some of Ngāti Rēhia's opposition:

- a. The Bill is an affront to the Chiefs that signed the Declaration of Independence and the Treaty of Waitangi.
- b. It is clear to see that the Bill intends to change the Treaty of Waitangi, its definition and its spirit. Ngāti Rēhia contests that this constitutes manipulation and is a deceitful act. The Bill intends to introduce new principles that have yet to be seen, that bear no resemblance to Te Tiriti o Waitangi, nor the Treaty, and do not align with the principles that have been carefully developed in the Courts and the Tribunal over the last 50 years. The Bill creates new principles, and creates new rights for people who are not party to the Treaty of Waitangi, which were not agreed to by the Chiefs in 1840. Due to these actions, the Māori people will pay the price, and only Māori are discriminated against.
- c. The Bill intends to abolish the particular rights that Māori have that were guaranteed by the Treaty of Waitangi.
- d. The Bill intends to cancel the sovereignty of the Māori people, and of Ngāti Rēhia also, and to confine that sovereignty and exclusive rights of the Māori to only those that the Crown endorses in claims settlement legislation.
- e. The Bill intends to assimilate the Māori people. This is an egregious error because this does not celebrate nor appropriately protect Māori characteristics, and those special aspects of the Māori culture, like traditional protocols and customary practices.
- f. There is not an iota of evidence that supports the creation of the Bill, and there are no experts on Treaty issues and constitutional issues that support this Bill, and so the purpose and foundation of this policy is completely wrong. It is merely in pursuit of the opinions and desires of one individual, and one political party. The Government, who agrees with these opinions, has agreed to put this initiative before the nation, and consequently the Government has deprioritised the Treaty of Waitangi and its responsibilities to the Māori people under the Treaty of Waitangi in order to maintain its Coalition Agreement.
- g. Due to this Bill and the erroneous actions of the Government, the wider nation has become divided, the Crown and the Māori people also. For a long time now, Ngāti Rēhia has been collaborating with the Crown, with Government departments and the Council for the benefit of the hapū, despite the difficulties experienced at times. But due to this Bill, the relationships between the hapū and the Government are very strained. Our future direction is at risk because the Bill attempts to cut off Ngāti Rēhia's exercise of our self-determination and sovereignty within our valley.
- h. Ngāti Rēhia is a hapū that cares deeply about our language and our customary practices. However the Bill pays no attention at all to the language and its conventions. Furthermore the Bill was drafted in only English. But, as we know, it is te Tiriti o Waitangi (the Māori language text) that was signed by the majority of the Māori Chiefs (over 500 Chiefs), compared to only 39 that signed the Treaty (English text). Notwithstanding the contradictions between te Tiriti and the Treaty, the Crown, indeed the English language, remains unable to define the nature of te Tiriti o Waitangi. Furthermore, it is illogical

that the ACT Part relies on te Tiriti o Waitangi and its Māori language to support their incredibly racist opinions.

- i. The basis of this policy is completely wrong, that the Bill seeks to gain “certainty” for the principles of te Tiriti o Waitangi, and also that the entire nation should debate the status of te Tiriti o Waitangi in Aotearoa. We understand the principles that have been carefully developed over the course of 50 years, and so there is no problem with the principles that are widely known by us all, like the ACT Party asserts. Furthermore this Bill is not the appropriate way to debate te Tiriti o Waitangi and the constitution of Aotearoa. Te Tiriti o Waitangi must remain paramount within this important subject, the Māori people must have a voice, and it should not be left up to the Government to wantonly create legislation this flawed.
- j. Ngāti Rēhia absolutely supports the two *Ngā Mātāpono* reports of the Tribunal that relate directly to this Bill and its policy, especially the findings that confirm the great breach by the Bill of te Tiriti o Waitangi and its principles. Several of the findings on the Bill in *Ngā Mātāpono* speak of the discrimination that will affect the Māori people if the Bill is enacted, and Ngāti Rēhia supports;
  - i. the relationship between the Crown and Māori, based on partnership and the obligations of good faith and reciprocal cooperation, would **cease to exist**;<sup>4</sup>
  - 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;<sup>5</sup>
  - iii. principle 2 would **freeze Māori rights as at 1840**, foreclosing on their right to development;<sup>6</sup>
  - 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;<sup>7</sup>
  - 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**;<sup>8</sup>
  - vi. it would be **the worst, most comprehensive breach** of the Treaty/te Tiriti 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**;<sup>9</sup>
  - vii. the Bill would mean the **extinguishment of tino rangatiratanga in a legal sense**.<sup>10</sup>
- k. In the opinion of Ngāti Rēhia, the Crown is insulting us via its interference and discrimination against te Tiriti o Waitangi and its principles. We will not allow ourselves nor our covenant to be abused by the Crown.

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<sup>4</sup> 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)

<sup>5</sup> At xvi (emphasis added).

<sup>6</sup> At xvi (emphasis added).

<sup>7</sup> At xvi – xvii (emphasis added).

<sup>8</sup> At xviii (emphasis added).

<sup>9</sup> At xiv and 109 (emphasis added)

<sup>10</sup> At xvi and 109 (emphasis added).

## **The principles of the Bill**

22. The Bill intends to enact these three principles of te Tiriti o Waitangi, and also the Bill states that these are the true principles that should be applied to all legislation to which Tiriti principles are relevant;<sup>11</sup>

### **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.

## **Principle 1**

23. The first principle states that the Crown has absolute authority, the highest authority to govern these lands, and also the highest authority to create legislation for the whole country to follow. This is a huge misconception, i.e. the misconception that the Chiefs ceded their self-determination and sovereignty via te Tiriti o Waitangi to the Crown to govern these lands of ours, to create Pākehā legislation for the iwi and hapū. This is a bad misinterpretation.

24. In Article the First of te Tiriti o Waitangi, the power of governance was ceded to the Crown over Pākehā settlers who came to these lands, and in Article the Second the Rangatira and hapū retain our sovereignty over our lands, estates, and all treasures.

25. The Tribunal has already settled this important matter in its report *Wai 1040 He Whakaputanga me te Tiriti o Waitangi* in 2014. These findings are widely known, and state:<sup>12</sup>

- a. 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.
- b. 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.

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<sup>11</sup> See the Principles of the Treaty of Waitangi Bill 2024 (94-1).

<sup>12</sup> 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.

- c. 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).
- d. 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.
- e. 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. It is clear to see in these findings that the price of the type of governmental power that was ceded to the Crown (over Pākehā people only) is the guarantee of Māori sovereignty over our lands, estates, and all treasures, and the commitment of the Crown to protect the sovereignty and the rights of the Māori people. However, the first principle of the Bill ignores the words of *te Tiriti o Waitangi*, to its definition and its true spirit.

### **Principle 2**

- 27. Firstly, the second principle seeks to disturb the sovereignty of Māori, to repudiate Māori autonomy and sovereignty. This principle states, that if right of Māori are different from others', these rights will only have authority if they have been agreed to by the Crown in settlements claim legislation.
- 28. This second principle states, that Māori sovereignty is derived from the Crown and the Crown's authority. This is absolutely incorrect. Our sovereignty and autonomy is derived from the land, from the sea, the streams, our genealogy, and our practices and customs, not from the Crown, or settlement claims.
- 29. This is meddling, and doesn't consider the Crown's promises to the Chiefs and the tribes in protecting our sovereignty. Therefore, this principle aims to disregard these promises, and further dilute sovereignty.
- 30. Because Ngāti Rēhia, and Ngāpuhi have yet to settle our Tiriti claim, this principle asserts that our rights are the same as the rest of the country. This principle is an egregious disparagement to Ngāpuhi at large and their affiliated tribes who have not yet settled their claims. We are the original people of this land, the Crown must acknowledge this truth.

### **Principle 3**

- 31. The use of this third principle is wrong because *Te Tiriti o Waitangi*, is an agreement between the Crown and Māori exclusively. In Article Three the Crown agreed to protect Māori to reciprocate the governing power that was given to them by the Chiefs (over Pākehā only) to them. Māori would be given the same rights as Pākehā. For other ethnic groups, there were other arrangements in order that pertained to them, such as the NZBORA 1990 and the Human Rights Act 1993.
- 32. The rights in Article Three were added to Article One and Two. However, the Bill and this principles states that sovereignty is subject to Article Three (and the third principle in this Bill).
- 33. The Tribunal has covered in its *Mātāpono* report the wrongs of the third principle, here are the findingd that are supported by Ngāti Rēhia;<sup>13</sup>

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<sup>13</sup> *Ngā Mātāpono* – Part II, above n 3, at 109.

- 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.
- 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.

### **Closing Remarks**

- 34. All disdainful remarks by people should be directed at this Bill because it has no benefits but causes much harm. This Bill is a violation, it is disparaging, it is offensive, it is meddlesome and is dishonest in nature.
- 35. In the Tribunal Hearing for WAI3300 Urgent Inquiry, I spoke plainly about the atrocities of this Bill for Māori. I will reiterate it here for you to read;
 

*I and other claimants are constantly chasing Tribunal hearings, going from one to another, and when we, Māori, get a leg up, we are cut down, just to get back up so we can be cut down again. This Bill is akin to decapitation.*
- 36. The ripple effects of the Government's decision to create this Bill will be felt for many generations to come. If this Bill comes into effect, the division it creates will live on for many years to come.

### **Recommendations**

- 37. And so, with all things considered, Ngāti Rēhia strongly urges the Select Committee to recommend that:
  - a. This Bill be abolished immediately;
  - b. This Bill is not read a second time.
  - c. The Government looks to He Whakaputanga and all its benefits under Te Tiriti o Waitangi;
  - d. The Government accepts and actions all the Tribunal's recommendations in its Ngā Mātāpono report immediately.
- 38. It is only right that the Government does this end the harm that is being felt by Māori at large, and to heal those who have already been harmed or disparaged.
- 39. If this Bill is not abolished, or if it is read for a second time, this would be an irreparable offense to Ngāti Rēhia, and Māori at large.
- 40. To the Select Committee, please allow Ngāti Rēhia to submit orally in-person so that you may hear the true language of Ngāti Rēhia.

Sincerely,

William Skipper (Kipa) Munro

Chairperson, Te Rūnanga o Ngāti Rēhia