

**TINO RANGATIRATANGA**

**O TE IWI MAORI**

**MAORI**

**SOVEREIGNTY**

**IN THE 21<sup>ST</sup> CENTURY**

## Maori Self Determination

### Tino Rangatiratanga O Te Iwi Maori

#### The legal status of the NZ Settlers Government

The NZ Government may not be a legally constituted body and therefore may not have the legal right to govern or to make laws. This is a constitutionally untenable situation for the Government, Parliament and the nation. The Government cannot lay claim to sovereignty that it does not have. Maori are the only true sovereigns in New Zealand. Maori sovereignty was established in 1835 at the signing of the Declaration of Independence and was not ceded to the Crown as the Government would have us believe. The truth behind the Government treaty myth needs clarification in order to bring out the truth.

The purpose of the Treaty of Waitangi was to protect Maori from the problems of settler migration, particularly the problems associated with escaped convicts from Australia settling in New Zealand.

Under the Treaty the Settlers were given the right of occupation and governance only so far as it would protect Maori sovereignty. - Kawanatanga for the protection of Rangatiratanga no more than that.

Why would thousands of Maori cede their sovereign rights to a few hundred settlers as the Government would have us believe?

The Treaty Grievance industry is nothing compared to the over inflated rights claimed by the Government.

**Article 1 of the Treaty** ceded trusteeship of all Maori land to the Queen, her heirs and successors. Queen Elizabeth is the legal trustee of all Maori customary land in New Zealand where the native title has not been extinguished.

Under **Article 2 of the Treaty** Queen Victoria guaranteed to Maori their sovereign right to the possession of all their lands, forests, fisheries and Taonga as the legal, equitable and

beneficial owners. Article 2 reaffirmed Maori sovereignty as stipulated by articles 2 and 3 of the DOI (Declaration of Independence).

Under the terms stipulated by the DOI, from 1835 to 1840 Maori had sovereignty over everyone living in Aotearoa NZ. It was this Kawanatanga that Maori exchanged to the Crown for the protection of Rangatiratanga.

**Article 3 of the Treaty** gave the Queen the pre-emptive right (first right of purchase) to all Maori land in Aotearoa. To the present day the Queen has never purchased ANY MAORI LAND in Aotearoa NZ.

Any land sold in Aotearoa NZ, is and has been in defiance of article 3 of the Treaty and therefore is deemed to have been sold illegally. The purchase of land must be negotiated with the Queen directly. Maori as beneficiaries cannot sell land, that right lies solely with the Queen as Maori trustee.

**Maori have never at any time lost their land, it is being illegally occupied – the present New Zealand Government as has every Government before lied to its own people in the biggest confidence trick in world history.**

All land in NZ is Maori Customary Land “deemed” to be Crown Land for certain purposes under Section 144 of Te Ture 93 and Articles 1 and 2 of the Treaty of Waitangi.

**The Treaty of Waitangi conferred the right of OCCUPATION not the right to govern other than for the protection of our sovereignty and independence. All laws passed by the Parliament of Westminster were directed at the NZ Government limiting their powers over Maori. They are not our laws.**

**The Declaration, the Crown Feudal and Fiducial Title**

He Whakaputanga o Te Rangatiratanga o nga Uri o Nu Tirini – The New Zealand Declaration of Independence 1835 is a living document which is enshrined within Te Ture Whenua Maori - Maori Land Act 1993 part XIII.

The Declaration declared Maori Sovereignty and Independence in Article 2.

The rights of Tangata Whenua under the DOI are protected by the Treaty of Waitangi under Article II.

The Declaration was originally included in Part 4 of the Maori Affairs Amendment Act 1967 however it was later amended by the Maori Affairs Department to favour the Government not Maori.

There were two (2) Common Law documents in existence between the DOI and the TOW (Treaty of Waitangi) which have important ramifications for Maori.

The first is the **feudal title** of the Crown which binds the Crown to the reciprocal obligations of service and defence in protection of the Maori people and their interests. The Crown guarantees to Maori in NZ protection against any threat to their interests or wellbeing.

This guarantee was issued under standing orders from Lord Glenelg to Major Burke Governor of NSW an administrator of NZ on behalf of the British Colonial Office.

The second is the **fiducial title** of the Crown. The fiducial title places an obligation upon the Crown to exercise a high standard of care in the management of Maori lands, estates, resources and funds under Letters Patent issued to Governor Hobson by Lord Normanby.

## **Constitutional Law in New Zealand**

### **NZ Constitution Acts 1846 and 1852**

Section 9 and 10 of the **1846 NZ Constitution Act** provided Maori, under Maori Customary Law, the right to self Government within their own native districts. For Maori laws to be recognised internationally the Queen issues Letters Patent, these laws then become part of the laws of England and the United Kingdom, they are then enforceable as New Zealand law.

**The 1846 NZ Constitution Act** was created to preserve Article 2 of the TOW, for the preservation of Tino Rangatiratanga and to restrain the Government from any attempts to govern Maori. The existence of the 1846 NZ Constitution Act is not commonly known.

Under the **1852 NZ Constitution Act** the settlers were granted the right to self government. However, Section 71 legislated the Maori right of self government through Letters Patent, issued under the Great Seal of the United Kingdom, passed first into English law, then becoming legally enforceable under NZ law.

**1858 Native Districts Regulations Act** allowed for the appointment by Maori Government of Native Assessors – Justices of the Peace to provide jurisdiction in summary proceedings.

**1858 Native Circuit Courts Act** . Every court in NZ is legally required to have a Native Assessor present whenever a court sits.

This is still law today. However in defiance of the Queen rights as Sovereign, the Privy Council and the Commonwealth of UK all NZ Settlers Parliaments have ignored this requirement. This is in effect a treasonable act.

Maori have the legal right and entitlement to be represented equally alongside a Magistrate in every court in the land, this is the Queens law. The Queen has the rightful and legal ownership of NZ as Maori trustee and is the External Sovereign Head of Right to NZ whilst Maori are the Internal Sovereign Head of Right in NZ.

These Acts were passed into English law by the Parliament of Westminster and are still legally binding on the New Zealand Settlers Parliament today.

**The 1986 NZ Constitution Act passed by the 4<sup>th</sup> Labour Government has no power to remove any statutory law passed by another Government. Where those Acts may not seem to exist in NZ Law, and that is debateable, they still exist in British law and are still legally binding on NZ.**

**There has never been any loss of Maori land in New Zealand – only theft on a monumental scale by dishonest politicians**

It is the responsibility of the Crown defence forces (UK and NZ) under the feudal and fudicial title obligation to protect the Maori people. The Westminster Parliament (UK) is

legally bound to activate the standing orders of Lord Glenelg to Major Burke and the Letters Patent issued by Lord Normanby in defence of Maori sovereign rights.

### **The Crown Regent**

The Queen is kept informed of what is occurring in NZ socially, economically and politically through her Regents. At present there are three Regents appointed to New Zealand, David Singh, Cliff Whiting and Joseph Murphy (Hohepa Mapiria). These three Regents are directly responsible to the Queen and her Privy Council **not to the New Zealand Settlers and Migrants Government nor to the Settlers Parliament.**

A Regent is defined as, quote “a person who exercises the ruling power in a kingdom during the minority, absence or disability of the sovereign” unquote. With Maori being the minority in their own country and therefore disabled the Queens Regent has the status of representative of the Sovereign (us) at a legal level until such time as Maori are self Governing. The present Maori Queens Regent is Law Lord Hohepa Mapiria. (Joseph Murphy)

### **Te Ture Whenua Maori - Maori Land Act 1993**

Te Ture Whenua Maori - Maori Land Act 1993 is an Act of the **Parliament of Westminster not the NZ Settlers Parliament.** It is binding on both the Crown and the Settler Government.

The words “shall”, “control” and “power” in part XIII allow Maori incorporations to add, alter, delete or replace any parts of the constitutions by which they are incorporated,

under any provision of the Act or any regulations made under the Act or any enactment and the general law or to make changes, to add, alter, delete under special resolution any part of Te Ture Whenua Maori - Maori Land Act 1993.

The Act reads; "Te Ture Whenua Maori, Maori Land Act 1993, Section 2.

Interpretation of the Act generally –

1. It is the intention of Parliament (Westminster) that the provisions of this Act shall be interpreted in a manner that best furthers the principals set out in the preamble to this Act.

What is in the preamble to this Act, is Kawanatanga – Governorship for the protection of Rangatiratanga – Sovereignty.

Te Ture provides the mechanism whereby Incorporations may create laws, statutes, regulations, or place limitations on existing laws within their own Native Districts (Waka Districts) Native Districts cover the whole country.

Section 2, subsection 2 states:

Without limiting the generality of subsection 1.

It is the intention of Parliament (Westminster) that powers duties and discretions conferred by this Act shall be exercised, as far possible, in a manner that facilitates and promotes the retention, use, development and control of Maori land as Taonga Tuku Iho by Maori owners, their Whanau, Hapu and Descendents.

In the Common Law case of Nireaha Baker vs Tamaki, the presiding Judge, Lord Davey decreed that the Crown lacked unreviewable prerogative power in relation to native title and that a Crown grant did not amount to extinguishment of native title.

Therefore all land remains Maori customary land `deemed` Crown land for certain purposes.

In the event of any conflict in meaning, Contra Preferentum prevails, the Maori version takes precedence.

In the Maori version of the preamble the key word is "tika".

In section 144 the word `tika` meaning `to be` would translate to "Maori customary land, *for the time being*, deemed to be Crown Land.

Under the Maori version, section 17 of the Te Ture Whenua Maori Amendment Act 1994 subsection 3 states that;

A Maori Incorporation may by special resolution of the owners, alter, add to or replace its constitution in accordance with any provision of this Act or any regulations made under this Act.

It is therefore legal under section 144 for an Incorporation to replace or alter the word 'deemed' or to change the whole Act or portions of the Act under special resolution of each Incorporation relevant to that incorporation within their individual Rohe.

### **The Maori Financial Position today**

The Trustees of the worlds biggest Bank are Prince Andrew of England and King Juan Carlos and Queen Sophia of Spain.

In 1844 Queen Victoria set up an Account whereby the NZ Government would pay taxes to the Queen for the right to occupy NZ. Because they could not afford to pay the taxes Governor Fitzroy waived the pre-emption clause to raise funds by selling land on the open market in breach of Article 3 of the Treaty of Waitangi.

This account was known as the Akaroa Bank. The Queen deposits funds paid to her by the NZ Settlers Government for the right of occupation.

Governor Fitzroy overspent the fund so he was removed from office.

The NZ Settlers Government still pay taxes to the British Crown which are deposited in the London Branch of the BNZ before being transferred to the Akaroa Bank.

The interest was transferred to the New Zealand Reserve Bank, however the Settler Government was using the fund without authority so the Queen closed the account and only the interest goes to the Reserve Bank which is now the Akaroa Bank and under the control of the Business Roundtable that is, until Maori take back control of their own affairs by creating their own Government.



The Putea can only be accessed through a combination of 4 numbers held by 4 different people and known only to themselves. The first 3 numbers are here in NZ. A form of chain reaction must take place before the number combinations can be activated. Many organisations in their greed have tried to access the Putea without success it can only happen under the conditions set by the Declaration of Independence 1835. In other words only Maori Incorporations have the right to access it and only when all 10 Waka have been filled.

Lease monies paid to the Crown on behalf of the other 74 Commonwealth countries are also deposited into the fund.

Since 1852 the NZ Settlers Parliament have also had to pay rent and taxes to the British Crown. This money is collected and deposited on behalf of Maori. The interest is paid into the Akaroa Bank and the principal into a Trust Fund administered by the Trustees. The principal sum is held in the United Nations and it is from this fund that the World Bank and the IMF borrow.

The interest is administered by the Reserve Bank of New Zealand and used by the NZ Government to support this countries infrastructure. It is Maori money that supports the NZ Economy.

NB. The Putea is said to be worth approx 20 trillion dollars US.

Before the Putea can be released Maori need to be a fully functioning entity under the mechanism set up under Te Ture ie. To be incorporated and readily identifiable entities to the British Crown.

### Sovereignty

The Partnership has a sovereign interest throughout the Pacific Ocean.

**Section 11 of the Native Districts Regulations Act 1858** states;

“Half –castes and other persons of mixed race living as members of any native tribe and all aboriginal natives of any of the Islands of the Pacific Ocean shall for the purposes of this Act be deemed to be persons of the “Native race”. Thus **anyone living in NZ regardless of race is classed as a person of the native race.**

All indigenous peoples of the Pacific region are covered under Maori sovereignty. Under the terms of the Treaty and the 50/50 partnership between Maori and the Crown all indigenous peoples of the Pacific are sovereign in their own right.

**Tangata Whenua Maori must wake up and start taking their rightful place in the great society of nations. Only when Maori assert their sovereignty can we begin to address the worlds problems especially those being faced by the people of the Pacific.**

The estimated time by which Maori should have asserted their sovereignty is 2005. When this occurs the rest of the indigenous peoples of the Pacific will be free.

### **Maori Incorporations and Te Ture**

Maori Incorporations under statutory law have the same powers as Parliament. Dealing with the Settlers Parliament is deemed to be dealing with an artificial entity. When you deal with a Maori incorporation you are dealing with a natural person(s) and a natural body.

Section 35 of Te Ture gives the same power to a Maori Land Court as a High Court. For instance Section 237 of Te Ture accords the MLC with the jurisdiction of the High Court. The High Courts jurisdiction is essentially only for Settlers because it is not a statutory body. But under section 150 of Te Ture, Maori Incorporations are independent statutory bodies over which not even the Maori Land Court has jurisdiction. The MLC is a Court of record only. The power of Te Ture is administered through the Incorporations. Sovereignty and Power are the domain of Incorporations. Through every Incorporation Maori can assert Independence, self Governance and self determination either individually or collectively without recourse to Settler law.

### **Maori sovereignty in the 21<sup>st</sup> Century**

In order for Maori sovereignty to become fact, an Act of State has to occur. This happens when;

- All ten Waka are filled There are seven incorporations needed to fill each Waka.
- A Maori Government is an identifiable entity. This is done through incorporations and the recognition of those incorporations by the Parliament of Westminster in the United Kingdom.
- The Incorporation Common Seal confirms the status of each Incorporation as a legal body.
- That the Seal is affixed to the incorporations documentation with
- The Waka Districts Common Seal and
- The Common Seal of the Upper House and General Assembly

**That is an Act of State. Acts of State come into existence when the whole nation passes them into law by Proclamation**

**AN ACT OF STATE IS PASSED BY THE SOVEREIGN PEOPLE OF THE NATION.  
HOLDING MANA WHENUA, MANA TANGATA**

The entire Law Society of Incorporations are the Law makers –

The power to make laws comes from the resolutions of the Incorporations. Once the Seal is affixed to documentation the Incorporation is then identifiable to the Crown. Letters Patent are issued making the resolutions Law in NZ.

### **The DOI and Te Ture**

Article 1 of the Declaration of Independence was the union of our Tupuna and their land. They incorporated themselves and their lands to form The United Confederation of Tribes in statute under English Law. This has been re-enacted under Section 247 of Te Ture Whenua Maori Land Act 1993.

Article 2 of the Declaration affirmed their sovereignty to the land. This re-enactment is contained in Section 250 of Te Ture 93.

**Settler Government violations of Maori Rights since 1840**

**1841**

- **Land Settlements Act:** Lands not actually occupied by Maori were deemed to belong to the Crown. This was in direct contravention of Articles 2 and 3.

**1844**

- Governor Fitzroy removes the Crown right of pre-emption. With the removal of the pre-emption clause Fitzroy sanctions the illegal right of land purchase to settlers. Fitzroy was later removed for financial mismanagement.

**1846**

- Governor Grey abolishes the Protectorate Department giving Edward Gibbon Wakefields New Zealand Land Company the exclusive right of pre-emption in breach of Article 3.

**By 1852 in just 12 years the Crown had illegally taken over 32,000,000 acres of Maori land. Nearly half of all land owned by Maori had been taken in a “legally” sanctioned land grab.**

**1852**

- **New Zealand Constitution Act**  
The establishment of Provincial Government in New Zealand.  
Maori right to self Government defined under Section 71 of the Act. Provision for Maori self Government is ignored.

**1859**

- The illegal purchase of Ngati Awa land by Governor Grey in breach of Article 2 of Te Tiriti.

**By 1860 only 21,000,000 of the original 66,400,000 acres of Maori land was left.**

#### 1862

- **Native Lands Act** was designed to break down communal ownership of land, the legacy of which we are paying for now. Maori land ownership has become so fragmented it is of little use to most owners. It is this situation which Te Ture Whenua Maori, the Maori Land Court Act 1993 seeks to redress.

#### 1863

- **The Suppression of Rebellion Act.** The removal of Maori right to trial under the Habeus Corpus Act. Maori imprisoned for defending their land ownership rights. Another 3,000,000 acres land grab as punishment for rebelling against the Government.

#### 1864

- All remaining land reserved for Maori was placed under Government control.

#### 1865

- **Native Land Court**  
Maori were forced to wait months to appear before the Native Court to validate land claims. Failure to appear gave the Court the right to take the land. Many Maori preferred to lose their land rather than go through the humiliating process of having to appear in court.

#### 1866

- **Oyster Fisheries Act** Prevented Maori from setting up Commercial Oyster Fisheries forcing most Maori Commercial fishing enterprises into bankruptcy.

#### 1867

- **Maori Representation Act**  
Four Maori seats established in Parliament. A response to Pakeha fears that Maori, who by this time had a majority under the property ownership qualification clause of the 1852 Constitution Act could gain a majority in Government.

#### 1871

- Government stipulation that English had to be taught in all schools. This almost led to the extinction of the Maori Language. Maori children were routinely punished for speaking Maori at school.

1877

- **The Bishop of Wellington v Wi Parata** – the infamous Prendergast decision. Judge Prendergast declares the Treaty to be a nullity believing Maori to be intellectually incapable of signing a Treaty. Another example of the Colonial arrogance that was rife at the time.

1879

- Greys amendment makes it easier for small farmers to acquire Maori land.

1879

- **Peace Preservation Bill**  
Maori were given 1 years hard labour for refusing to vacate their homes.

1880

- **Maori Prisoners Act**  
200 Maori imprisoned without trial for an indefinite period for trying to prevent the surveying of confiscated land.

1880

- **West Coast Settlements Act**  
Taranaki Maori could be arrested without warrant and jailed for 2 years with hard labour for building anything or hindering the surveying of any property.

1881

- **Native Reserves Act**  
The control of Maori reserve land taken by the Public Trustee.

1881

- **Parihaka** – The infamous invasion of Parihaka. 2500 troops attack the people of Parihaka and arrest the prophet Te Whiti.

1886

- **Native Lands Administration Act**  
The government of the day rejects the traditional right of communal ownership forcing Maori land to be placed in the hands of trustees who had the right to sell.

- 1886

- Te Whiti re-arrested under the West Coast Preservation Act and jailed for 3 months without trial.

1887

- **Native Land Act**  
Bastion Point appropriated for 'defence' purposes.

1893

- **Native Land Purchase Act** was passed to speed up the further purchase of Maori Land.

1894

- **Advances to Settlers Act.** Low interest loans made available to settlers to buy land from the Government. Loans for development of land and farms were not available to Maori.

**Validation of Invalid Land Claims Act.** Any Pakeha misdealings concerning Maori Land were legitimised.

#### **Maori Land Settlements Act**

- Maori land placed under the control of Land Councils on which there was no Maori representation. The white population had increased along with their desire for land.

1897

- 92 Maori arrested and imprisoned for protesting against the Public Trustee control of their lands.

1903

- Parliament reaffirms Judge Prendergast's ruling on the nullity of the Treaty.

1905

- Native Councils abolished to speed up the Government's land grab process.

1905-1908

- Three more years of amendments to the Native Land Act to force further sales of Maori land.

1908

- **Tohunga Suppression Act.** Penalties imposed including the threat of jail for any Maori Tohunga who practiced Rongoa Maori or who taught Maori spirituality.

1909

- **Maori Health Act** made it illegal for Maori women to breastfeed their babies.

The whangai system of Maori adoption was outlawed to prevent Maori from adopting Pakeha children.

- **1918**

Maori returned servicemen ineligible for the armed forces Rehabilitation Scheme. The scheme was only available to Pakeha.

By **1920** the New Zealand Government had taken 62,000,000 acres of Maori land.

**1953**

- Maori land not being occupied or used was declared waste land and taken by the Government.

**Town and Country Planning Act** prevented Maori from building on their land forcing many Maori into the cities.

- **1960**

**The Hunn Report**

Civil servant Jack Hunn recommends the speeding up of the assimilation process a process which by its very nature would have seen the end of Maori as a culture and as a race. The establishment of Kohanga Reo in the 1970's and the later emergence of Kurakaupapa Maori began the Maori Renaissance which subverted the assimilation agenda.

**1967**

- **Maori Affairs Amendment Act** gives the Maori Trustee the power to ask individuals to sell communal owned land to the Government. Land with fewer than 4 owners had to be put under 1 title.

**1967**

- **Ratings Act** illegally made Maori customary land subject to rates.

**1986**

- The introduction of the fisheries quota system breaches article 2 of the Treaty.

Remember incorporate. If you desire to see the return of this country to its rightful owners then you must incorporate, either as Hapu or simply as a Whanau Incorporation. In order for an Incorporation to have sovereign status it must be done in accordance with Te Ture Whenua Maori Maori Land Act 1993/1995

To be put in contact with someone who can guide you through the process of establishing your Incorporation.

15% shareholding collectively is required to establish a Hapu Incorporation.