

**Nga Kaitiaki o Aotearoa©**  
**Indigenous Peoples of Aotearoa Representative,**  
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Tuesday 28 June 2016.

**Victoria Tauli-Corpuz.**  
United Nations Special Rapporteur on Indigenous Peoples Rights,  
The United Nations.

**RE: The Indigenous peoples of Aotearoa Representative, Nga Kaitiaki o Aotearoa©, make application to the United Nations.**

Tena koe Wikitoria, nga mihi mahana ki a koe—warm greetings to you Victoria,

This Notice by Written Communication is from Nga Kaitiaki©, for and on behalf of the indigenous people of Aotearoa. There are five parts:

- 1. Application to the United Nations;**
- 2. The affects and effects of TPP and the TPPA on the indigenous people of Aotearoa;**
- 3. Nga Kaitiaki©, who we are;**
- 4. Presentation to the U.N. of Nga Kaitiaki© claims and cases against:**
  - (a) Present New Zealand P.M. John Key and National Government, including the Attorney General Chris Finlayson, MFAT Ministers, Murray McCully, Tim Grosser and Todd McClay;
  - (b) Previous P.M. Helen Clark and Labour Government;
  - (c) The Crown;
  - (d) Governor General Mateparae, Queen Elizabeth II Representative in New Zealand; and
  - (e) Governor of the Federal Reserve Bank of New Zealand Graeme Wheeler.
- 5. Attachments to Notice:**
  - (i) Explanation of differences, e.g. Aotearoa and New Zealand, Maui and Maori.
  - (ii) Interpretation of terms;
  - (iii) Reference documents.

## **1: The Indigenous peoples of Aotearoa Representative, Nga Kaitiaki o Aotearoa©, make application to the United Nations:**

**(a) For the recognition and acknowledgement of the Maui people, the Indigenous People's of Aotearoa, and our sovereign rights of self-determination, self-governance and political autonomy;**

**(b) To be invited to join, and take our rightful place, representing the natural persons, the living, breathing, indigenous peoples of Aotearoa in the United Nations; and**

**© For the assistance and guidance to present our cases in urgency to The United Nations General Assembly, and, or, to any other Court that has the authority and jurisdiction to deal with our constitutional issues. These are presented in Part 4 of this Notice.**

## **2. The affects and effects of TPP, TPPA and all other current treaties and agreements.**

I am writing on behalf of Nga Kaitiaki o Aotearoa©, the indigenous peoples of Aotearoa, to bring to your attention the seriousness of the Laws, Acts, Statutes, and actions of previous and present governments of New Zealand, including the Foreshore and Seabed Act, Treaty of Waitangi Settlements, the TPP (Trans Pacific Partnership), TPPA (Trans Pacific Partnership Agreement), RCEP (Regional Comprehensive Economic Partnership), the TiSA- (Trade in Services Agreement) and all Free Trade Agreements, due to the affects and effects that it will have on the indigenous peoples of Aotearoa, and New Zealanders alike, who will bear the social, economic and cultural consequences of this Agreement.

The New Zealand governments have been instrumental in getting the TPP and TPPA off the ground and both have been negotiated and signed off by the New Zealand government alone.

They have refused to acknowledge or recognise us and have failed to consult and actively engage in good faith with us. The entire process has violated our sovereign rights. We have been sold-out by the TPPA sham.

The Waitangi Tribunal decision on the TPPA was: "the New Zealand Government's blanket refusal to release documents about TPPA was unlawful."

Presently there are further Treaties, namely the RCEP- Regional Comprehensive Economic Partnership, and EFF-Electronic Frontier Foundation Agreements, TiSA- Trade in Services Agreements, and other FTA- Free Trade Agreements which are all being negotiated behind closed doors without our active engagement or participation.

## **Our concerns with the Trans Pacific Partnership Agreement.**

- The Treaty exception is limited in scope and relies on the good will of the government to protect Maui rights, which repeated Waitangi Tribunal reports show it has failed to do.
- The TPPA conflicts with Maui rights guaranteed under Te Tiriti o Waitangi and the UNDRIP.

The Crown and New Zealand Governments commitment to indigenous peoples' right to self-government and political autonomy and their right to the recognition, observance, engagement and enforcement of treaties, should have informed the negotiations of the TPPA and other treaties and agreements.

- Because the TPPA has the potential to impact on hapu and iwi and their resources, it requires informed consent, or at the least a robust bona fide engagement so Maui views are fully incorporated into decision making.
- Despite the Wai 262 report saying the Crown's policies and practices did not comply with Te Tiriti o Waitangi, and too often came after decisions were made, there was no credible attempt to engage in robust bona fide engagement with Maui before or during the TPPA negotiations.
- 'With each instrument that it signs up to, the Crown has less freedom in how it can provide for and protect Maui, their tino rangatiratanga, and their interests in such diverse areas as culture, economic development and the environment.' (Waitangi Tribunal, WAI-262, 2012).
- The UN Special Rapporteur James Anaya, on the rights of indigenous peoples singled out investment chapters of agreements like the TPPA and investor-state dispute settlement as a risk to our indigenous rights and a constraint on our ability to gain remedies.
- The TPPA's economic model is based on trade liberalisation, monopoly rights to own and exploit intellectual property, and privileged rights for foreign investors, and will not serve a future Maui economic development agenda that is built around core Maui values, commitment to environmental sustainability, and Tino Rangatiratanga.
- The TPPA leaves the rights and interests of Maui vulnerable to foreign states and corporations who have no obligations under Te Tiriti o Waitangi or the UNDRIP, and who will have a legal right to pursue their interests through private international mechanisms.
- The government has made far-fetched claims regarding the economic gains to New Zealand and to Maui because of their significant presence in natural resource sectors of the economy. Those figures are not supported by evidence and ignore the tangible and intangible costs of the TPPA to Maui.
- The TPPA fetters the sovereignty of Maui, under Te Tiriti o Waitangi, and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and as a matter of social justice.
- Several chapters guarantee foreign states and their commercial interests the right to participate in New Zealand's domestic decisions, while Maui, as tangata whenua have no similar guarantees.
- Rights of Maui relating to Intellectual Property (IP), biodiversity, and environmental law and policy, guaranteed through Te Tiriti o Waitangi and the UNDRIP, are significantly affected by the TPPA.

- The IP chapter strengthens the rights of holders of ‘state-recognized’ intellectual property rights, a form of intellectual property that will not protect mātauranga Maui and the rights of kaitiaki and has, in many cases, undermined those rights.
- Despite the Treaty of Waitangi exception, the provisions in the IP chapter will make it more difficult for Maui to achieve changes that are necessary to protect rights and obligations of kaitiaki in relation to mātauranga Maui.
- Commercialisation of the mātauranga associated with genetic and biological resources and of the resources themselves, will compromise the kaitiaki relationship and once again put the Crown in breach of Te Tiriti o Waitangi.

**Further Trans Pacific Partnership and the Trans Pacific Partnership Agreement concerns:**

The British “Crown”, Monarch of the Realm, have breached their obligations guaranteed in Te Tiriti o Waitangi. The Representative for Monarch Queen Elizabeth II in New Zealand Governor General Mateparae and the Attorney General have both received Nga Kaitiaki o Aotearoa© documentation. To date they have disregarded us as mere subjects and citizens of New Zealand therefore we are also laying charges against them both which are presented in Part 4.

Failure by the present N.Z. National Government, the Ministers for Trade Tim Grosser and Todd McClay, and Foreign Affairs Minister McCully, to consult and actively engage with indigenous peoples, the hapu and iwi of Aotearoa, so they could exercise their indigenous peoples’ absolute rights and sovereignty, in decisions that affect them.

Loss of sovereignty, democratic rights, and lack of transparency;

N.Z. Governments refusal to provide any documentation or text, on account of the TPPA being “secret” and that it was too complex.

They can’t assert, on the one hand, that consultation has occurred, and then on the other hand refuse to divulge anything on the grounds of secrecy;

Would impose punishing regulations that give multi-national Corporations unprecedented rights to demand taxpayer compensation for policies they think will undermine their expected future profits straight from the Treasuries of participating nations;

Would push the agenda of PHARMAC in the developing world to impose longer monopoly control on drugs, drastically limiting access to affordable generic medications that our people have become dependant on;

Would undermine food safety by limiting labelling and forcing countries like Aotearoa to import food that fails to meet its national safety standards, in addition to banning “buy local” preferences;

Would impose investor protections that incentivize off-shoring jobs through special benefits for companies;

The rights of future Governments and Councils to make policy will be constrained and which will have a major impact on us.

Nga Kaitiaki o Aotearoa© have sent a Notice by Written Communication to MFAT, informing the Ministers of who we are and our status, standing in law, applicable law and jurisdiction. That we the tangata whenua have not joined the Trans Pacific Partnership, that they have not consulted with us, and have not yet obtained our free and informed consent or mandate to negotiate on our behalf.

They had not released any documentation on the T.P.P. or the T.P.P. Agreement to us therefore they could not sign to any Partnership or Agreement on our behalf.

They have disregarded Nga Kaitiaki o Aotearoa© documentation including the notice by written communication, and have continued on regardless.

The TPPA contract is not binding on Nga Kaitiaki o Aotearoa©, representing the indigenous people of Aotearoa, in fact all contracts, treaties and commercial agreements entered, negotiated and signed without our full participation, and robust and bona fide engagement as recognised and guaranteed in Te Tiriti o Waitangi are void and unenforceable at law. Hence we present our Claims to you.

Under Common law, all contracts must be entered into, knowingly, voluntarily and intentionally by both parties or it is void.

If it's not full disclosure, it's not an agreement. If it's not an agreement it is not a contract enforceable at law, and in fact it is fraud, malice, deceit, undue influence and mistake.

These are the characteristics of a common law contract. There is another, it must be based on substance.

Federal Reserve Notes are not substance but worthless, ink-on-paper, permanently, unfulfilled, irredeemable, corporate promises to pay, fiat, F.R.N. Scrip.

There is no valuable consideration, substance, for the indigenous peoples, in exchange, for all resources, (including S.O.E.'s-State Owned Enterprises), the lands and territories of Aotearoa.

Nga Kaitiaki o Aotearoa© have on the 14<sup>th</sup> of March 2016, "hand delivered" a Notice by Written Communication to the Reserve Bank of New Zealand, enquiring as to who authorised the use of our intellectual property "Aotearoa," on their newly issued currency of New Zealand? There has been no reply as requested.

**This is another case that we present to the Court for a decision.**

TPP and TPPA and all current contracts and commercial agreements, conflicts with the indigenous people's rights, and the British Crown "Monarch of the Realm," obligations to Te Tiriti o Waitangi, as well as the UNDRIP.

The UNDRIP has been formally endorsed by an overwhelming majority of U.N. member states. Canada, Australia, New Zealand and the U.S. voted against the UNDRIP in the General Assembly, but later reversed their position and endorsed it as a fundamental document on the human rights of indigenous peoples. This prior commitment entered into in good faith should therefore have informed their negotiations of the TPPA.

**The Right to free, prior and informed consent (FPIC).**

The Right to Free, Prior and Informed Consent comes into direct conflict with the TPPA, especially the Investment chapter, when it privileges rights of foreign investors over indigenous rights.

Section B of the Investment chapter allows foreign investors from TPP countries to enforce the special rights they are given under the Agreement through offshore ad hoc arbitral processes.

The fundamental objection is that ISDS-Investor-State Dispute Settlement lacks the characteristics of a credible and independent legal process and effectively supplants national judicial processes as the appropriate legal forum for a privileged class of foreign investors. Investment tribunals are still ad hoc with the 'Judges' selected by the parties. The TPPA says there will be a code of conduct for arbitrators, but is not required until the agreement comes into force?

**Article 32 of the UNDRIP says:**

**States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.**

When in the course of human events, it becomes necessary for one people to dissolve the Political Bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of which nature's God entitled them, a decent respect to the opinion of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self evident that all mankind are created equal. That they are endowed by their Creator with certain absolute, inalienable, unbroken and enduring rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights Governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it and institute new government, laying its foundations on such principles and organising its powers in such form as to them shall seem most likely to effect their safety and happiness."

When a long train of injuries, abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security.

Such has been the patient sufferance of the indigenous peoples of Aotearoa and such is now the necessity which constrains us to alter and replace our present systems of Government.

Due to the continuing abuses, injuries and usurpations by New Zealand's Governments, including and culminating in 2016 with the signing of the TPPA by Prime Minister Key and National Government, which has been rushed through the MFADT (Foreign Affairs, Defence and Trade)? Select Committee process with stealth, to the First Reading in Parliament, though the people of New Zealand opposed the Agreement by 39% to 26%, as of right, Nga Kaitiaki o Aotearoa© have begun to unite the indigenous people of Aotearoa, to initiate and advance our collective sovereign positions, to the establishment of a Sovereign Aotearoa Government

In the words of Justice David Baragwanath-"Tikanga Maori, in a broad sense, is the body of rules and values developed by Maori to govern themselves." (Attachment No. 5).

### **3. Nga Kaitiaki o Aotearoa©.**

**I begin with these three maxims:**

The principle part of everything is the beginning;

Truth is the first cause. It is what is found and what has to be found for the resolution of any dispute, and the determination of an assessment phase in commerce as to who owes what and why; and

All truth is subjective. Only each free-willed being possesses the right, duty, privilege and capacity to state one's own truth in accordance with one's unique nature, perspectives and priorities. As per maxim of law- "The order of things is confounded if everyone preserves not his or her jurisdiction.

I go by the appellation David James Nepia Swinton©, Common law Copyrighted Property. I am a sovereign, natural person, David James Nepia of the Heremia-Swinton family of Te Whanau-a-Maruhaeremuri hapu, a sub-tribe of Te Whanau-a-Apanui, from the eastern geographic region of the northern Island Te Ika-a-Maui, Aotearoa.

I am a sentient, living, breathing, flesh-and-blood man under the laws of Almighty God, as distinguished from an artificial legal construct ens-legis, and is neither a surety, nor an accommodation party, for any juristic person, being of sound mind and over the age of twenty-one, whose advocate is Emmanuel, the Christ of Nazareth, reserving all rights, and who has no bar attorney, is without an attorney and having never been represented by an attorney, and not waiving counsel, knowingly and willingly declares and duly affirms, in accordance with law, in special visitation, in good faith, that all facts and statements are of my own first-hand knowledge, and I do solemnly swear, declare, and depose that I am competent to state the matters set forth herein, that I have personal knowledge and belief of the facts stated herein, and all facts stated are true, correct, complete and certain, mark my words.

I pledge my unlimited liability- the truth, the whole truth and nothing but the truth so help me God, on the veracity, relevance, accuracy and verifiability of everything that I assert.

I confirm that I am stating my truth in the capacity of being a living, biological being, and not as a corporate fiction functioning in limited liability.

I was nominated and appointed "Kaitiaki" of Aotearoa- "Guardian of the lands and territories of Aotearoa, (God's lands of inheritance to Maui), and of its peoples autonomy", on the 28<sup>th</sup> October 2003, at Te Tii Marae Waitangi, Te Ika-a-Maui, and was stationed at the Native Assessors Court Building in Whangarei. I was also a member of Nga Tikanga Law Society at the Native Assessors Court in Whangarei.

**Nga Kaitiaki: o Te Atua; o Aotearoa; o Te Ika-a-Maui; o Apanui Waipapa me Hinemahuru; o Te Whanau-a-Apanui; and Whanau-a-Maruhaeremuri©, also referred to as Nga Kaitiaki©, is Common Law Copyrighted Property and I am the Representative, Agent and spokesperson for Nga Kaitiaki©.**

Nga Kaitiaki o Aotearoa© are the indigenous, tangata whenua, first nation peoples of Aotearoa, the "kaitiaki," the collective guardians and trustees of Almighty God the Creator, of all resources including all minerals and water in the earth, everything in the sea, everything on

the ground, and including the airspace, out to the International boundaries of the lands and territories of Aotearoa.

Nga Kaitiaki o Aotearoa© further assert the right to own, control, manage and develop our ancestral lands and territories, waters and all resources that are inextricably linked to our survival and to the preservation and further development of our knowledge systems and culture for the benefit of present and future generations of the hapu, the owners, their families and their descendants, and to ensure that the sacred, ceremonial and culturally significant sites, areas, and practises of the hapu on the lands and territories of Aotearoa are preserved, respected and protected from destructive and exploitive development.

Nga Kaitiaki o Aotearoa© further assert our indigenous peoples rights of self-determination, self-governance and political autonomy over all resources, of the waters, lands and territories of Aotearoa.

**The Waitangi Tribunal** has summarised the “kaitiaki” perspectives in relation to ‘bio-prospecting’ as follows:

Bio prospectors should not use maatauranga Maui (Maori) about taonga species without the consent of Kaitiaki.

The Kaitiaki relationship with taonga species is so all-encompassing that it amounts to ownership of the genetic resources of that species. The result, claimants said, is that no exploitation of those resources should be allowed without Kaitiaki consent.

Bio prospectors should not use taonga species if such is inconsistent with ‘tikanga Maui and therefore damages the kaitiaki relationships with those species. Kaitiaki claim a right of veto over use in order to protect their relationship.

In exceptional cases, the kaitiaki relationship is so special that it extends to both the genetic and biological resources of the taonga species. They therefore claim ownership of each of the living examples of that species within the traditional territory of the Kaitiaki hapu and iwi.

## **The Right of Indigenous Peoples to self determination.**

Indigenous people’s advocates, particularly those from the so-called CANZUS States-(Canada, Australia, New Zealand and the United States of America) sought extensive rights relating to self-determination, self-government, free, prior and informed consent (FPIC), treaty rights and historical redress.

Under the U.N.-led decolonisation programme, over 70 colonies and dependant territories or “peoples” acquired independence. Consistent with the common Article 1 of the International Human Rights Covenants, Indigenous peoples of the CANZUS States argued that as prior sovereign “peoples” who had entered into Treaty’s with Great Britain (excepting Australia), they too were entitled to the right to self-determination. Most indigenous advocates did not seek full independence. But what was important was **the option of independence should indigenous peoples and the state fail to negotiate fair terms of co-existence within the modern state.**

Therefore, the final version of Article 3 is the linchpin of the Declaration:



**“Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.**

**At no time may a people be deprived of a means of its own subsistence.”**

**Due to the continuing abuses, injuries and usurpations by the Crown and New Zealand Incorporation’s Parliament and Government on the indigenous peoples’ of Aotearoa, Nga Kaitiaki© are now forced to take action.**

My Common Law Copyright Notice, Affidavit, and Notice by Written Communication have been forwarded by “Registered Mail” to the Governor General and Attorney General. They have both been given notice of my sovereign status and position, and that of Nga Kaitiaki o Aotearoa©. To date there have been no rebuttals by counter-affidavit as requested.

### **Treaty of Waitangi Settlement Negotiations.**

The Treaty Negotiators for and on behalf of the hapu and iwi of Aotearoa, are Crown, New Zealand Incorporation, government, constituted, statutory recognised and acknowledged entities.

Nga Kaitiaki o Aotearoa© have disclaimed all: F.O.M.A.-Federation of Maori Authorities; MILFG-the Maori Iwi Leaders Forum Group; Maori Congress; Maori Council; Maori Trust Boards; Runanga Incorporated Societies; Trusts; and all other artificial, corporately coloured, Maori statutory recognised and acknowledged entities, as being agents, or representatives for Nga Kaitiaki o Aotearoa© and do not recognise or acknowledge these artificial, fictitious, juristic, corporate entities, their institutions, associations, decisions or their actions. Their agreements, treaties and contracts are not binding on Nga Kaitiaki©.

As per maxim, ‘There is no agreement, contract or Treaty that will ever be honoured or have any lawful effect where the same party signs as both the first and second party, for they are both of the same origin,’ i.e. the Crown entities listed above cannot sign on behalf of the Crown to the Crown.

The ten foundational maxims of commerce from which all codes, laws and statutes are derived and based upon:

1. A workman is worthy of his hire. Maxim of law- “It is against equity for freemen not to have the free disposal of their own property;”
2. All are equal under the law. Maxim of law-“No one is above the law. Commerce by the law of nations ought to be common and not to be convened into a monopoly and the gain of a few;”
3. In commerce truth is sovereign. Maxim of law-“To lie is to go against the mind;”
4. Truth is expressed by means of an Affidavit;
5. An un-rebutted Affidavit stands as the truth in commerce. Maxim of law-“He who does not deny admits;”
6. An un-rebutted Affidavit becomes the judgement in commerce;
7. A matter must be expressed to be resolved. Maxim of law-“He who fails to assert his rights has none;”
8. He who leaves the field of battle first loses by default. Maxim of law-“He who does not repel a wrong when he can occasions it”;

9. Sacrifice is the measure of credibility. Maxim of law-“He who bears the burden ought also derive the benefit”; and
10. A lien or claim can be satisfied only through rebuttal by counter-affidavit point for point, resolution by jury, or by payment. Maxim of law- “If the Plaintiff does not prove his case the Defendant is absolved.”

### **TE TIRITI O WAITANGI, 1840.**

This is the Waitangi Tribunal Report, dated the 14<sup>th</sup> of October 2014, from Judge C T Coxhead, which states:

**“We have concluded that 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. Rather they agreed to a relationship: one in which they and Hobson were to be equal- equal while having different roles and different spheres of influence. In essence, Rangatira retained their authority over their hapu and territories, while Hobson was given authority to control Pakeha.”**

Te Tuarua (Article Two) of Te Tiriti o Waitangi, the Maui (Maori) people gave to Queen Victoria, the English Crown Monarchy of the Realm, (not the Crown Corporation of London City), the pre-emptive right to purchase lands, or the right to refuse, to the sale of any Maui (Maori) land of Aotearoa, however, no Maui, (or Maori), have done that, and to date, the Crown Monarch of the Realm, Queen Victoria, her heir and successors to Queen Elizabeth II, have not purchased one inch of soil in Aotearoa.

**The 1852 New Zealand Constitution** arose from Westminster Parliament, to provide authority for the Colonial administration to govern on Queen Victoria’s behalf.

**January 10 1920**, New Zealand became a foundation member of the League of Nations, the forerunner of the United Nations.

Membership of the League of Nations was restricted only to Sovereign Countries, and Article XX of the Covenant of the L.O.N. required the extinguishment of any colonial laws applying to a member state pre-sovereignty. It was a condition of membership of the L.O.N.

It continues to be a founding principle of the U.N. Charter that the laws of one state cannot be used in another unless ratified by mutual Treaty. Note here that New Zealand was not a sovereign country in 1920. The iwi of Maui, the indigenous peoples of Aotearoa held sovereignty and continue to retain sovereignty to this present day.

**Under International law, once you get a change in Sovereignty then there is a break in legal continuity.**

**Nga Kaitiaki© decline and refuse to enter into any contract or commercial agreement with the Crown or New Zealand Incorporation until such time that they acknowledge, recognise and engage with Maui, the sovereign, indigenous peoples of the lands and territories of Aotearoa.**

#### **4. Nga Kaitiaki o Aotearoa© Claims to the United Nations:**

##### **(4a) Nga Kaitiaki o Aotearoa©**

##### **Versus**

**New Zealand Prime Minister John Key, Attorney General Chris Finlayson, M.F.A.T. Ministers Mc Cully, Tim Grosser and Todd McClay, and New Zealand National Government.**

##### **Charges including “genocide” and “arbitrary discrimination”**

No consultation or engagement with the indigenous peoples of Aotearoa, with regards to T.P.P. (Trans Pacific Partnership) and T.P.P.A. (the Agreement), R.C.E.P. (Regional Comprehensive Economic Partnership, with 15 other Asian members); E.F.F. (Electronic Frontier Foundation(setting rules for internet in Asian region); G.A.T.S. (General Agreement on Trade in Services); and T.i.S.A. (Trade in Services Agreement); and

Due to the highest statistics of Maori men women and children at all levels of the justice system, especially in prison, suicide, homeless, poor health and education, unemployment especially among our women and young people, and children in CYFS care.

**Nga Kaitiaki o Aotearoa© Charge John Key and the National Party Government, including previous Governments, with “genocide” and “arbitrary discrimination.”**

They have had a co-ordinated plan and strategies of different actions to destroy the Maui, indigenous peoples, aimed at the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to our hapu and iwi, and the disintegration of the political and social institutions of culture, language, religion, national feelings and economic infrastructure, with the aim of annihilating Maui, the indigenous peoples of Aotearoa.

**Listed below is further evidence and statistics of the acts of genocide by John Key, and the National Party Government, which include:**

They have sold off half of “State Owned Assets,”- assets of Aotearoa, not New Zealand and continue to sell our water and now the air from Aotearoa;

There is a major Housing crisis. .State housing was sold off and now mainly owned by Government and local councils. Government, Members of Parliament, Councillors, Associates, friends and families now own Housing and Energy Companies, etc, through Privatisation.

They have funded 500,000 new immigrants, handing out social welfare, free housing and free food, while Indigenous and New Zealand families are living in cars, car-ports, garages, or on the streets, homeless;

Tangata whenua represent 50% male and 63% female in prisons, and also the highest incidence of re-offending, and also the highest suicide rate.

There is racism in the Justice system. Two present criminal cases. Four young white males steal \$80,000 worth of property for fun and get off with 6 months home detention. Maori “poacher” caught with four trout, to feed his family of eight children, jailed for 3 months, another caught with 39 trout jailed for 12 months.

21% of complaints to the Ombudsman are against the Police Force, many are high ranking Officers. Many complaints to the IPCA- Independent Police Complaints Authority, of 6,700 cases, 41% are referred back to Police for investigation and resolution?

19 convictions in 2013, 20 in 2014, and 13 in 2015, some of the convictions which in each year included: wilful damage; corruption; corrupt use of Official information; perverting the course of justice; dangerous driving causing injury; failing to stop after an accident; supplying meth; manufactured meth; conspired to deal meth; made intimate visual recordings, theft of drugs; and receiving stolen goods.

Indigenous peoples, Maui and New Zealand citizens continue to complain of Police bullying, profiling and targeting, racist abuse and dehumanising treatment of their youth, families and their communities and perceive themselves to be a lucrative and ongoing source of employment and revenue for Police and Government of New Zealand Incorporation.

They have added over \$100 Billion to the National debt in past 7 years, from \$30 Billion to \$138 Billion, 3 times more debt than all other governments;

In the words of Political commentators: The Housing system is “broke” (as in broken), Health is “broke,” Education is “broke,” the Justice system and Corrections is “broke,” MPI- Ministry for Agriculture, Forestry and Fisheries, is “broke”;

They have committed financial fraud on an unbelievable scale, e.g. Panama Papers, and spending tax dollars on themselves. Supposedly a “corruption free” country;

Peoples Democracy has moved from a Representative Government to an Oligarchy, and is now moving towards being a Plutocracy.

The Prime Minister John Key and Government spent over \$26 Million trying to change the New Zealand Flag, to be rid of the due authority, “the Seal of God, signifying His Dominion and protection of the Nation; and

New Zealand’s Prime Minister John Key and the National Government’s involvement in “dirty politics”.

**(4b) Nga Kaitiaki o Aotearoa©**

**VERSUS**

**Previous Prime Minister Helen Clark and the Labour Government of New Zealand.**

**Charges including “genocide” and “arbitrary discrimination.”**

Due to the Foreshore and Seabed Act, disenfranchising and depriving Maui of retaining and securing our sovereign rights over our collective customary land unextinguished of the native, customary title.

**Nga Kaitiaki o Aotearoa© also lay charges against Helen Clark, the previous Prime Minister and Leader of the Labour Party of New Zealand.”**

In 2006, the United Nations report on human rights in New Zealand found, under Helen’s leadership, a growing gap between Maui (Maori) and Pakeha outcomes in health, housing and income;

In 2007, she refused to sign the Declaration for the Rights of Indigenous Peoples;

She also authorised the unlawful and illegal surveillance and violent invasion of indigenous homes and communities;

She oversaw the alienation of over 10,000 hectares of indigenous land- the single largest land alienation ever in New Zealand’s modern times, including the “Foreshore and Seabed Act”; and

In 2008, under Helen Clarke’s leadership, Labour Government refused to commit to climate change, ocean well-being, water quality, environmental leadership, or natural heritage protection.

**Nga Kaitiaki o Aotearoa© does not support Helen Clark, the previous Prime Minister and Leader of the Labour Party of New Zealand, for the Position of Secretary-General of the United Nations.**

**(4c) Nga Kaitiaki o Aotearoa©**

**VERSUS**

**THE CROWN**

**That the indigenous peoples of the hapu and iwi of Aotearoa have been and continue to be prejudicially affected:**

**(i) by the ordinances of the General Legislative Council of New Zealand, and the ordinances of the Provincial Legislative Council of New Munster, and the provincial ordinances and Acts (whether or not still in force) passed at any time on or after the 6<sup>th</sup> day of February 1840; and**

**(ii) by all regulations, orders, proclamations, notices, and other statutory instruments made, issued, and given at any time on or after the 6<sup>th</sup> day of February 1840 under any ordinance or Act referred to in paragraph (a) of this subsection; and**

**(iii) by all policies and practices (whether or not still in force) adopted by or on behalf of the Crown, or by any policies and practices proposed to have been adopted by and on behalf of the Crown; and**

**(iv) by all acts done or omitted at any time on or after the 6<sup>th</sup> day of February 1840, proposed to be done or omitted on or after the 6<sup>th</sup> day of February 1840, proposed to be done or omitted, by or on behalf of the Crown;-and**

**that the ordinance or Act, or the regulations, order, proclamation, notice, or other statutory instrument, or the policy or practice, or the act or omission, was and is inconsistent, and in breach of Te Tiriti o Waitangi 1840.**

Since 2008 we made application to the Waitangi Tribunal with claims against the Crown and New Zealand Parliament and Government, that we were prejudicially affected by the statutory laws of “presumption and assumption of ownership,” over the hapu and iwi customary lands, seas and territories of Aotearoa, the mana whenua and man moana of the hapu and iwi of Aotearoa, and also the customary rights that derive from the unextinguished customary title.

Since 2008 and throughout the whole process, we have not acknowledged or recognised Section 6 of the Treaty of Waitangi Act 1975, and have continuously declined from stating “that we believed that the Crown actions or omissions were in breach of the principles of the Treaty of Waitangi.”

Despite not meeting the requirements of Section 6, our following claims were founded and given Waitangi Tribunal Claim numbers:

Wai Number 1552, was against the Crown’s “assumption of ownership” of Pohueroro and Tawaroa land blocks within the Whanau-a-Maruhaeremuri hapu customary lands and territories , through the Conservation Act, re Nga Whenua Rahui Covenants and the Queen Elizabeth II National Trust Covenant; and

Wai Number 2216, which was two claims incorporated into one:

MIR/5907 was against the Crown “assumption of ownership” over the hapu customary rights of mana whenua and mana moana, through Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations, which created the Kaitiaki/Tiaki roles, duties and responsibilities;

MIR/6024 was against the Crown “assumption of ownership” over the hapu customary rights of mana whenua and mana moana, through Regulation 18 of the Fisheries (Kaimoana Customary Fishing) Regulations, which created a Mataitai Reserve; and

We also claimed on behalf of the hapu Te Whanau a Maruhaeremuri, and on behalf of all the other hapu of Te Whanau a Apanui, the collective hapu of Te Ika a Maui and the collective hapu of Aotearoa, against the Crown’s assumption of ownership over the customary mana whenua and mana moana territories of the hapu and iwi of Aotearoa, through the Foreshore and Seabed Act,

Nga Kaitiaki© have withdrawn and removed our founded claims in the Waitangi Tribunal and taken our leave from the Waitangi Tribunal, because the Waitangi Tribunal is a Crown Entity and is only a Commission of Inquiry established by the Treaty of Waitangi Act of Parliament 1975, and it only has a specific jurisdiction, which does not include the constitutional claims that we had presented.

On Friday 24 June 2016, Nga Kaitiaki© gave Notice to the Waitangi Tribunal that we were withdrawing and removing all our Claims, including Wai No. 1552: and MIR 5907 and MIR 6024, which were incorporated into Wai 2216, and the Foreshore and Seabed Claims on behalf of Te Whanau a Maruhaeremuri hapu, Te Whanau a Apanui, Te Ika-a-Maui, and Aotearoa, from the Waitangi Tribunal, due to their specific jurisdiction as a Commission of Inquiry and the limited authority of the Waitangi Tribunal, which was brought to our attention in the Memorandum-Directions of the Chairperson, Chief Judge W.W. Isaac, dated 17 December 2014,-

“The Waitangi Tribunal is a statutory Commission of Inquiry. Its jurisdiction is set out in the Treaty of Waitangi Act 1975 (the Act)”;

“That the Waitangi Tribunal, as a Commission of Inquiry established by an Act of New Zealand Parliament, the Waitangi Tribunal only has a specific jurisdiction, which does not include constitutional issues of this kind.”

That the Waitangi Tribunal is under statutory jurisdiction, and also a Crown entity, and therefore can offer no recourse or remedies to our claims concerning our constitutional issues which are outside their jurisdiction, so we had no option but to take our leave.

The following reasons are why Nga Kaitiaki o Maruhaeremuri© and Nga Kaitiaki o Te Whanau-a-Apanui removed and withdrew our Claims and took our leave from the Waitangi Tribunal. I draw your attention to these facts:

That since the signing of Te Tiriti o Waitangi on the 16 June 1840 at Te Kaha, the hapu of Te Whanau a Apanui continues to assert that they have retained control, possession and ownership of their coastal lands and territories of Te Whanau a Apanui;

That the hapu of Te Whanau a Apanui continue to assert their right to own, control and manage their ancestral lands and territories, waters and other resources, and assert that their lands and territories are at the core of their existence and they have a distinct spiritual and material relationship with their land and territory;

The hapu further assert that their lands and territories are inextricably linked to their survival and to the preservation and further development of their knowledge systems and culture;

That the hapu regard it as a birthright of the descendants of Te Whanau a Apanui to live according to their tikanga in a physically, culturally and spiritually safe and healthy environment;

That the hapu want to ensure that the sacred, ceremonial and culturally significant sites, areas, and practices are preserved, respected and protected from destructive and exploitive development;

That the hapu assert ownership to te rohe mana whenua and mana moana of Te Whanau a Apanui based on **tikanga, Common law**, and amongst other things point to unbroken occupation, the continued exercise of ancestral mana and the fact that title to te rohe mana whenua and mana moana of Te Whanau a Apanui has **never been ceded to the Crown**;

That Tikanga is lawful, according to the law of the land, the law of the people, according to the law, permitted, sanctioned, or justified by the law, not implied;

That all of our documentation to the Waitangi Tribunal was signed “Without Prejudice UCC 1-207” which reserved our rights not to be compelled to perform under any contract or commercial agreement that we did not enter knowingly, voluntarily and intentionally.

That David James Swinton©, Rawiri Swinton and any variation of the appellation, including Nga Kaitiaki©, are all Common law Copyrighted Property, therefore out of the Statutory jurisdiction of the Waitangi Tribunal;

That the Governor General and Attorney General have both received by registered mail on the 11<sup>th</sup> of March 2016, the Common Law Copyright, Affidavit, and Notice by Written Communication documentation proclaiming and asserting the absolute, inalienable, unbroken and enduring sovereign rights, standing in law, applicable law and jurisdiction of David James Nepia Swinton© and Nga Kaitiaki©.

**Therefore David James Swinton© and Nga Kaitiaki© cannot and do not acknowledge the Treaty of Waitangi Act 1975, or the requirements of Section 6.**

Nga Kaitiaki© have disclaimed all: Federation of Maori Authorities, FOMA; the Maori Iwi Leaders Forum Group, MILFG; Maori Congress; Maori Council; Maori Trust Boards; Runanga; Incorporated Societies; Trusts; and all other artificial, corporately coloured, Maori, statutory recognised and acknowledged, juristic entities.

Nga Kaitiaki© do not recognise or acknowledge them, nor are we associated with these artificial, fictitious, juristic, corporate entities, their institutions, operations, decisions or actions. They do not represent us, nor are they agents or spokespersons for us.

As per Maxim, There is no agreement, contract or Treaty that will ever be honoured or have any lawful effect where the same party signs as both the first and second party, for they are both of the same origin, i.e. the Crown entities named above cannot sign on behalf of the Crown to the Crown.

**(4d) Nga Kaitiaki o Aotearoa©**

**VERSUS**

**GOVERNOR GENERAL MATEPARAE, QUEEN ELIZABETH II  
REPRESENTATIVE IN NEW ZEALAND.**

**Charges:** Include failing to observe, recognise, support, and uphold the rights of self-determination, self-government and political autonomy of the indigenous, tangata whenua of Aotearoa, as acknowledged and guaranteed in Te Tiriti o Waitangi 1840.



**(4e) Nga Kaitiaki o Aotearoa©**

**VERSUS**

**The Reserve Bank of New Zealand and Governor Graeme Wheeler.**

Charges include the unauthorised use of our intellectual property “Aotearoa” on Reserve Bank of New Zealand currency, for they tax and charge us for using their currency.

These are just some of our claims and major concerns that we have presented here in this Written Communication so that you can examine and evaluate the information and evidence provided to discern and understand the untenable situation we now find ourselves here in Aotearoa, that incite and urge Nga Kaitiaki o Aotearoa© to pursue our present course of action.

In your role as United Nations Rapporteur for the Rights of Indigenous Peoples, I ask for your assistance and guidance to help Nga Kaitiaki o Aotearoa© achieve our goals and aspirations to retain sovereignty, life, liberty, self-determination and the pursuit of unity, peace, harmony and happiness.

Can you also assist us on how we can access and make application to a constitutionally sanctioned, Common-law-venue Court.

Do any of the following Courts have jurisdiction to hear our constitutional claims:-

The European Court of Human Rights;

The World Court at The Hague;

The International Court of Justice;

The House of Lords; and

The Privy Council of Great Britain.

Can you please notify me by e-mail, that you have received this communication?

I thank you for your consideration and all possible assistance that you can offer. I look forward to your reply in earnest.

In closing, “It is in truth, not for glory, nor riches, nor honours that we are fighting, but for freedom alone, which no honest man gives up but with life itself,” and “Freedom is a hardy plant and must flower in equality and brotherhood.”

This Notice by Written Communication is dated: the Twenty Eighth Day of the Sixth Month in The Year of Our Lord Two Thousand Sixteen.

By David James Swinton©.

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### **3. Attachments to the Written Communication.**

#### **(A). Explanation of differences:**

- (i) New Zealand Coat of Arms- Chief with taiaha v Woman with flag.
- (ii) Aotearoa v New Zealand.
- (ii) Maui of Aotearoa v Maori of New Zealand.
- (iv) Te Tiriti o Waitangi v The Treaty of Waitangi.
- (v) The Articles of Te Tiriti o Waitangi, 1840 v The Treaty of Waitangi Principles, 1975.
- (vi) “The Crown” Monarch of the Realm v “The Crown” Corporation.

#### **(i) The New Zealand Coat of Arms- National Seal:** (Ref. doc. 1 and 2)

**The Rangatira- Tribal Chief with Taiaha**, represents Maui, the indigenous, first nation, tangata whenua, kaitiaki (the Guardians and Trustees for Almighty God the Creator, over these lands of inheritance of Aotearoa), and are acknowledged, recognised, and are depicted on the Coat of Arms of New Zealand of 1911, and also on the present Coat of Arms, having been revised again in 1956;

**The European woman holding the New Zealand Ensign** represents the subjects of Queen Victoria, i.e. The Union of Scotland, England and Ireland, who were given authority to govern themselves, and now include all New Zealand citizens.

**Note: The Union Jack on the flag:** Jack in English becomes Jacques in French, Jacobus in Latin, and Jacob in Hebrew.

The Union of Jacob’s descendants-The twelve tribes of Israel, under one throne.

The three Israelite countries- Scotland, England and Ireland are still united under one throne, also symbolised as Jacob’s Stone, the Coronation “Stone of Destiny,” whose descendants are now settled here in the Southern hemisphere, under the Southern Cross.

The three colours of blue, red and white represent the three offices of the Godhead: Blue, the Father; Red, the Son; and White, the Holy Spirit.

The Red Cross is the Cross of Calvary, speaking of salvation and blessing to the Nation through the sacrifice and precious blood of our Lord Jesus Christ.

#### **(ii) Aotearoa v New Zealand.**

**Aotearoa** consists of many islands in the South Pacific Ocean. These are the main lands:

Te Ika-a-Maui or Te Whei-the Stingray, (North Island);

Te Waka-a-Maui or Maui’s Canoe, (South Island);

Te Haika-a-te-Waka-a-Maui or the anchor of Maui’s canoe or Rakiura, (Stewart Island); and

Rekohu or Te Wharekauri (Chatham Islands).

#### **New Zealand.**

There are no physical lands of New Zealand.

The Dutch explorer Abel Tasman on sighting this land Aotearoa in 1642 called it “Niu Zealandia, a new land,” unknown to the rest of the world but our ancestors Maui and his siblings.

English maritime explorer James Cook sighted Aotearoa in 1769 and continued to use the name “New Zealand.”

1800’s to 1839 began the influx of clergy, whalers, sealers, traders, prospectors, settlers and colonisers, militia and constabulary, and the unlawful and illegal land acquisitions by Edward Gibbon-Wakefield who founded the New Zealand Association in 1837 which then reformed in 1839 as a joint stock company, “The New Zealand Company.”

The colony of New Zealand was divided into three provinces, and remains so to this present day:  
New Ulster Province (North Island);  
New Munster Province (South Island); and  
New Leinster (Stewart Island).

Since 1986 New Zealand is now New Zealand Incorporation.

New Zealand Prime Minister David Lange and Labour Government did pass the 1986 Constitution, an Act of New Zealand Parliament and not a peoples Constitution. It is strongly arguable that the Constitution Act is void, because Government had no sovereign power delegated to it by the N.Z. people.

New Zealand Government and Parliament of New Zealand Incorporation are de-facto, not de-jure, and have been bankrupt since at least 1984 and New Zealanders no longer enjoy organic law, but private, copyrighted law and policy of the British Crown Corporation.

### **(iii) Maui of Aotearoa, v Maori of New Zealand.**

**Maui**, are the indigenous, tangata whenua, first nation peoples of Aotearoa, and are the descendants of Maui-tikitiki-a-Taranga, who continue to retain and exercise Almighty God’s inalienable, absolute, unbroken and enduring sovereign rights over all resources of the lands and territories of Aotearoa, unextinguished of the native, customary title.

Maui has been mispronounced and misspelt and called “Maori” ever since the arrival of the earliest maritime explorers and settlers, and has never been officially corrected until now.

#### **“Maori and New Zealand.”**

Both are only fictitious, abstract labels. “Maori” and “New Zealanders” are “citizens of New Zealand,” Corporate entities.

N.Z. Governments:

(1) have corrupted the true names of sovereign boys and girls into corporately coloured “mirror image” all-capital-letter TRADE NAMES at the time of (falsely “required”) registration of the biological property via the birth certificate, and omitted informing the parents of the creation of the newly created, ens-legis, corporate franchise, citizen of New Zealand TRADE NAME;

(2) Deceived the flesh-and-blood men and women of the sovereign constituency into unwittingly “voluntarily” contracting as surety for the TRADE NAME, concealing from the victims their new status, but also heartlessly enforcing the new obligations without benefit of explanation.

A Citizen of New Zealand is a civilly dead entity operating as a co-trustee and co-beneficiary of the “PCT”-Public Charitable Trust, the Constructive, Cestui Que Trust of New Zealand Incorporation.

A Constructive, “Cestui Que Trust”, a Public Charitable Trust (PCT) has been Constituted. It was expressly designed to bring every corporate franchise called a ‘citizen of New Zealand,’ into an inseparable merging with the Government until the two are united, with the power inherent in the government and not the people.

Every citizen of New Zealand is regarded as contractually being:

- a) A corporate citizen, ie. A corporate franchise;
- b) A co-trustee (with duties), and co-beneficiary (with privileges), of the Public Charitable, Cestui Que, Trust;
- c) Pledged as an asset and therefore a co-surety for the debts of N.Z. Inc.; and
- d) A slave with no capacity for asserting any rights, no standing in law, applicable law and jurisdiction, and are under the exclusive control of Attorney’s who have the final word in all corporate activity and legal matters.

#### **(iv) The Treaty of Waitangi and Te Tiriti o Waitangi 1840.**

Both represent an agreement in which Maui gave Queen Victoria rights to govern and develop British settlement.

The Colonial Secretary, Lord Normanby instructed Hobson that:

All dealings with the Aborigines for their lands must be conducted on the same principles of sincerity, justice and good faith as must govern your transactions with them for the recognition of Her Majesty’s Sovereignty in the Islands, nor is this all;

They must not be permitted to enter into contracts in which they might be ignorant and unintentional authors of injuries to their own comfort, safety, or subsistence to themselves;

You will not for example purchase from them any territory, the retention of which by them would be essential, or highly conducive to their own safety, comfort or subsistence;

The acquisition of land by the Crown must be confined to such districts as the Natives can alienate without distress or serious inconvenience to themselves.

#### **The Treaty of Waitangi- the English version.**

There is ongoing debate as to who did most of the drafting, as Hobson had called on his secretary J.S. Freeman and on British resident James Busby for help.

Busby later claimed that the Treaty was essentially his, but Hobson although sick at the time, certainly had an input.

Problems compounded when Reverend Henry Williams was given the Draft of the Treaty at 4pm on 4 February to translate into Protestant Missionary Maori, by the next day.

Around the 6<sup>th</sup> of February, Henry Williams translated a copy of the Maori text back into English. This became the official text of the Treaty in English.

Only 39 Maori signed the Treaty of Waitangi at Waikato.

### **Te Tiriti o Waitangi- the Maori version.**

Problems compounded when Reverend Henry Williams was given the Draft of the Treaty of Waitangi at 4pm on 4 February to translate into Protestant Missionary Maori, by the next day. Henry was not a very able linguist, but his linguistically talented brother William was away so Henry and his 21 year old son Edward did the best they could in the short time available.

A hastily drafted, ambiguous, inconsistent and contradictory Te Tiriti o Waitangi document was presented to the assembled Chiefs on 5 February at Waitangi (Waters of Lamentation).

The two versions of the Treaty are neither literal nor are they accurate translations of each other.

By the end of the year of 1840 about 500 Maori, including 13 women had put their names or moko (facial tattoo) to the document.

There are nine copies of the Tiriti at Archives New Zealand: Te Tiriti signed on 6 February 1840; and eight copies. The original drafts of the English and Maori texts have been lost; the original copy of the Tiriti at Archives New Zealand was made by Richard Taylor because the Maori draft had marks on it, and a clean copy was wanted for the signing meeting on 6 February.

### **(v) The Articles of Te Tiriti o Waitangi V the Treaty Principles**

#### **The “Articles of Te Tiriti o Waitangi,” 1840.**

The Chiefs, including the 13 women signed to the four Articles of Te Tiriti o Waitangi in 1840.

#### **The “Treaty Principles” of the Treaty of Waitangi Act, 1975.**

In 1989 the Fourth Labour Government became the first N.Z. government to set out principles to guide its actions on matters relating to the Treaty. These are some of the Principles:

Principle One: The Government has the right to govern and make laws;

Principle Two: Iwi have the right to organise as iwi, and, under the law, to control their resources as their own;

Principle Three: All New Zealanders are equal before the law;

Principle Four: Both government and iwi are obliged to accord each other reasonable cooperation on major issues of common concern.

### **(vi) “The Crown”-Monarch of the Realm v “The Crown”-Corporation. “The Crown” Monarch of the Realm.**

The true Rose-Royal blood-line from Jesus, the Christ comes down through Scotland’s Robert the Bruce to Mary, Queen of Scotland... I am one of her descendants.

The present Royal family of England, namely Queen Elizabeth II and the House of Windsor, (who are in fact descendants of the German Arm of European Royalty,-the Saxa-Coburg-Gotha family, who changed their name to Windsor in 1914).

The Coronation of Queen Elizabeth the Second in 1953 cemented the German blood line on the English Throne.

**“The Crown” Corporation.**

The “Crown” is a committee of twelve to fourteen men who rule the independent sovereign state known as London or “The City,” a privately owned corporation. (Ref. doc. 8).

**(b). Interpretation of terms:**

Maui- is the indigenous peoples, tangata whenua, and first nation peoples of Aotearoa, who are descended from Maui-tikitiki-a-Taranga.

Tikanga Maui (Maori), are the customary systems of values, laws and practices that have developed over time and are deeply embedded in the social context. (There are two Laws. See Attachment no. 4)

Maori- is a fictitious, abstract, misspelt label describing the indigenous descendants of Maui.

Hapu- sub-tribe

Iwi- tribe

Kaitiaki- guardian, custodian, trustee

Tino rangatiratanga- sui-juris, sovereign, sovereignty, self-governance, political autonomy.

**(c). Reference documents:**

C.1. New Zealand Coat of Arms 1911.

C.2. New Zealand Coat of Arms 1956.

C.3. ‘Maori already have customary title to coastline,’ Wilson tells House. N Z Herald Thursday March, 2004;

C4. ‘Pakeha told Maori law is separate,’ New Zealand Herald, Saturday 31 May, 1997;

C.5. ‘Judiciary, Maori close gap,’ N Z Herald 28 March, 2001;

C.6. Walking Access and Maori Land. January 2011.

C.7. Crown Corporation.

(C.1)





#### DESCRIPTION OF THE NEW ZEALAND COAT OF ARMS

The first quarter of the shield depicts four stars as representative of the Southern Cross, then three ships symbolising the importance of New Zealand's sea trade; in the second quarter is a fleece representing the farming industry. The wheat sheaf in the third quarter represents the agricultural industry, whilst the crossed hammers in the fourth quarter represent the mining industry.

The supporters on either side of the shield consist of a Maori Chieftain holding a taiaha (a Maori war weapon) and a European woman holding the New Zealand Ensign.

Surmounting the Arms is the St. Edward's Crown which was used in the Coronation ceremony of Her Majesty Queen Elizabeth II. The crown symbolises the fact that Her Majesty is Queen of New Zealand under the New Zealand Royal Titles Act 1953.

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## Maori already have customary title to coastline, Wilson tells House

**FORESHORE:** Confusion between customary title and rights

By Ruth Berry

Attorney-General Margaret Wilson said yesterday that "Maori already have customary title over the whole coastline".

The Opposition was astonished by her statement but she claimed later there was nothing new in it.

She later appeared ambivalent about whether the Government would stick with the term "customary title" in the legislation being prepared on the foreshore and seabed.

Margaret Wilson made the statement about customary title in Parliament during questions about the foreshore and seabed policy, released last December.

She said the Opposition was confusing customary title and customary rights, and that the whole issue was about customary rights.

After question time, National MP Wayne Mapp said the statement showed the Government had finally admitted what it had believed, but not said, all along.

"The Government's proposals are simply intended to affirm this belief. And it is beliefs like this that are creating the underlying unity of our nation."

Act MP Stephen Franks accused the Government of floundering, saying it remained unable to explain what its plans really meant, what rights it would confer and how it related to the Court of Appeal decision last June which found that the Maori Land Court had the potential to award freehold title in the foreshore and seabed.

Mr Franks predicted the Government would be forced to abandon the plan to give Maori customary title — which under the proposals promises Maori "enhanced" opportunity to take part in decision-making over the coastal area.

Margaret Wilson told the *Herald* later: "The Maori view is that they already have it [customary title] and that was what I was trying to say in the House in a shorthand and rather frustrated way because I thought I had described it many times."

"There is no u-turn" on customary title, she said.

*thus Mar 4 1984 PG 5*



# The New Ze

Saturday, May 31, 1997

## Pakeha told Maori law is separate

By AUDREY YOUNG  
political reporter

The Minister for Treaty Negotiations, Doug Graham, laid it on the line to Pakeha New Zealanders yesterday that it was time to accept there would be one law for them and another for Maori.

The minister made the comment while revealing that exclusive riverside and lake campsites being negotiated with Ngai Tahu are expected to extend to wider parts of the country in settlements with other tribes.

Asked if some of the public might see such a policy as one law for Maori and one for another, Mr Graham said: "The sooner they realise that there are laws for one and laws for another, the better."

"Maori have certain customary rights which have not been extinguished. We [non-Maori] don't have them."

"Most people seem to think that Parliament makes all the laws and if Parliament hasn't made one, there isn't one. That's just nonsense. The common law of England forms most of our law and customary rights are recognised in international law and by us."

Until those rights were extinguished by statute, they applied.

"It is a matter of not interfering with the public's right that they enjoyed for years but at the same time recognise that Ngai Tahu does have certain rights."

"Good government in any event



'The sooner [people] realise that there are laws for one and laws for another, the better'

Doug Graham

Minister for Treaty Negotiations

would want to try to accommodate differing cultural backgrounds."

"Unless you turn up at your usual fishing site and find it full of Maori and you can't go there, I don't know why anybody would get too excited if way upstream they had a right to camp there."

The campsites, called nokuanga reserves, will give the southern Ngai Tahu tribe access to customary fishing sites on crown reserve.

A new concept of topanui reserve has also been created which will give an additional status to an area of special significance to Ngai Tahu.

Mr Graham hoped the concepts would be carried on to other pending settlements. These include Muriwhenua in the Far North, Ngati Awa in the Bay of Plenty and Taranaki tribes.

The campsites, still to be

finalised, will set aside about one hectare back from the marginal strips beside water, and Ngai Tahu's are expected to take up about 100ha of about five million hectares of conservation estate.

The camping rights would apply for up to 20 specified days in a year, Mr Graham said.

But they were not going to be in widely used places such as the mouth of the Rakaka River.

The sites would not interfere with the rest of the public's access to them.

"What the public can't do is go and throw up their tents in the middle of the Ngai Tahu tents on the two-acre block."

The Whakatane settlement allows for nokuanga but the deed of settlement has yet to be passed by legislation.

COURT



# Judiciary, Maori close gap

The Judiciary's handling of tikanga Maori has improved significantly but judges can still do better, says the president of the Law Commission.

Justice David Baragwanath's comments accompany the release today of a commission report, Maori Custom and Values in New Zealand.


Tikanga Maori, in a broad sense, is the body of rules and values developed by Maori to govern themselves.

While aimed specifically at the legal system, the report says New Zealanders must also make a total commitment to the Treaty of Waitangi and Maori values in law.

That commitment must involve a real effort to understand what tikanga Maori is, and its importance to Maori, it says.

Justice Baragwanath said judges had to understand what those customs and values were, "and take them on board pretty smartly." The same could be said for lawyers, policy-makers and parliamentarians.

— NZPA




WALKING ACCESS  
ARA HOKI AOTEAROA

January 2011

## 6. Walking Access and Maori land

### Frequently Asked Questions



**Does Māori land have access provisions?**

Generally, unalienated Māori land does not have public access provisions. It is governed under the Te Ture Whenua Māori Act 1993, and there are no uniformed legal roads or other such mechanisms in that land. It will be owned to the foreshore, and in some cases, through to the seabed.

However, land granted through Treaty of Waitangi settlements is general land, and it may well have access provisions as part of that settlement.

The Commission does not distinguish between land owned under general title or Māori land – it is all considered private ownership. Thus, permission should be sought from the owners to access that land.

**How do I gain permission to access to Māori land?**

Māori land is privately-owned land and does not have public access rights. Permission must be sought from the owners or those authorised by them. Information must also be requested about the relevant tikanga (customs or protocols) to be observed on that land.

Extreme cultural offence may be caused by haere pūkaka (unauthorised wandering).

Seeking permission may not be straightforward. Property boundaries, owners and appropriate contacts may have to be identified with the help of the local Māori Land Court and tribal runanga (council). Where land is owned by Māori trusts or Māori land incorporations, it is often possible to contact these entities directly. The Māori Land Information Base ([www.tpk.govt.nz/en/services/land/mlib/](http://www.tpk.govt.nz/en/services/land/mlib/)) provides information on Māori land that may assist in obtaining permission.

Crown land returned to Māori as part of a Treaty of Waitangi settlement has general land status rather than Māori land status under the Te Ture Whenua Māori Act 1993. Any pre-existing public access rights are usually preserved.

**Does the Commission help Māori to access wāhi tapu on private land?**

Māori have expressed concern that they sometimes find it difficult to obtain access to wāhi tapu (sacred places) on private land or where they need to obtain access to cross private land to sites of particular significance.

The Commission recognises the importance to Māori of access to wāhi tapu on private land. Some iwi authorities are working with private landowners to arrange better access to wāhi tapu. The Commission notes that it may be able to help explore opportunities to improve access by Māori to sites both through the use of existing access rights such as uniformed legal roads and through negotiation and agreement with private landowners.

**Can I use Māori roadways to get access to rivers or beaches?**

Roads on Māori owned land are provided for in the Te Ture Whenua Māori Act 1993.

There are no uniformed legal roads on Māori land. There are Māori roadways, which have similar use rights to public roads, but there may be some restrictions on them. They are not roads in the strict legal sense – for example, the underlying land ownership remains with Māori, not the Crown.

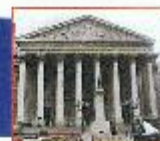
Uniformed public roads intersecting Māori land have the same legal status as any public road.

For more information visit [www.walkingaccess.govt.nz](http://www.walkingaccess.govt.nz)



## UNCENSORED HISTORY

## THE CITY



When people think of England such terms as "Great Britain," "The Queen," "The Crown," "Crown Colonies," "London," "The City of London," and "British Empire" come to mind and blend together into an indistinguishable blur. They are generally looked upon as synonymous, as being representative of the same basic system. During the 1950s and 1960s the author lived in England (London for five years) without even beginning to realize the vast difference that exists in the meaning of some of the above terms.

When people hear of "The Crown" they automatically think of the King or Queen; when they hear of "London" or the "The City". They instantly think of the capital of England in which the monarch has his or her official residence. However, to fully understand the unique and generally unknown subject we must define our terms:

When we speak of "The City" we are in fact referring to a privately owned Corporation or Sovereign State occupying an irregular rectangle of 677 acres and located right in the heart of the 610 square mile "Greater London" area. The population of "The City" is listed at just over four thousand, where as the population of "Greater London" (32 boroughs) is approximately seven and a half million.

The "Crown" is a committee of twelve to fourteen men who rule the independent sovereign state known as London or "The City." "The City" is not part of England. It is not subject to the Sovereign. It is not under the rule of the British parliament. Like The Vatican in Rome, it is a separate, independent state. It is the Vatican of the commercial world.

The City, which is often called "the wealthiest square mile on earth," is ruled over by a Lord Mayor. Here are grouped together Britain's great

financial and commercial institutions: Wealthy banks, dominated by the privately-owned (Rothschild controlled) Bank of England, Lloyd's of London, the London Stock Exchange, and the offices of most of the leading international trading concerns. (Such as the British Invisibles - I kid you not). Here, also, is located Fleet Street, the heart and core of the newspaper and publishing worlds.

## TWO MONARCHS



The Lord Mayor, who is elected for a one year stint, is the monarch in the City. As Aubrey Menen says in "London", *Time-Life*, 1976, p. 16: "The relation of this monarch of the City to the monarch of the realm, Queen, is curious and tells much."

It certainly is and certainly does!

When the Queen of England goes to visit the City she is met by the Lord Mayor at Temple Bar, the symbolic gate of the City. She bows and asks for permission to enter his private, sovereign State. During such State visits "the Lord Mayor in his robes and chain, and his entourage in medieval costume, outshines the royal party, which can dress up no further than service uniforms."

The Lord Mayor leads the queen into his city. The reason should be clear. The

Lord Mayor is the monarch. The Queen is his subject! The monarch always leads the way. The subject always stays a pace or two behind!

The small clique who rule the City dictate to the British Parliament. It tells them what to do, and when. In theory Britain is ruled by a Prime Minister and a Cabinet of close advisors. These "fronts" go to great lengths to create the impression that they are running the show but, in reality, they are mere puppets whose strings are pulled by the shadowy characters who dominate behind the scenes. As the former British Prime Minister of England during the late 1800s Benjamin Disraeli wrote:

"So you see... The world is governed by very different personages from what is imagined by those who are not behind the scenes." (*Coningsby*, The Century Co., N.Y., 1907, p. 233).

This fact is further demonstrated by another passage from Menen's book *The Prime Minister*: "A busy politician, is not expected to understand the mysteries of high finance, while the Chancellor of the Exchequer [Budget Director] is only expected to understand them when he introduces the budget. Both are advised by the permanent officials of the Treasury, and these listen to the City. If they suspect that some policy of the government will [back-fire]... It is no use their calling up British ambassadors to ask if it is so; they can find out more quickly from the City. As one ambassador complained to me, diplomats are nowadays no more than office boys, and slow ones at that."

"The City will know. They will tell the Treasury and the Treasury will tell the Prime Minister. Woe betide him if he does not listen. The most striking instance of this happened in recent history. In 1956 the then Prime Minister, Sir Anthony Eden... launched a war to