

Wai 2665

Patrick Nicholas Kohikohinga

patricknicholas@hotmail.com**Re - Wai 3060 - the Justice System kaupapa inquiry**

August 11th 2021

Kia ora

Wai 2665 wishes to be heard and participate in the Wai 3060 - the Justice System kaupapa inquiry in regard to section 7 of our statement of claim.

We understand the Tribunal will hear all claimants who clearly specify eligible justice system grievances in their statements of claim and notify their intention to participate in the inquiry. Section 7 reads

7/ By failing to enter into a tikanga process with Wai 2665. The Crown's failing to take into account tribal whakapapa in their "Overlapping Claims practice and policy."

Crown Tikanga	Wai 2665 Patrick Nicholas Tikanga
The School of the Crown, Maori Land Court and Waitangi Tribunal.	The School of Patrick Nicholas
Based on the Maori Land Court that was establish to individualise Maori Customary Land and detribalise Maori.	Based on tribal whakapapa and mathematics
"we believe that assertions of exclusive interests and clear boundary lines between groups are not consistent with Maori custom." Waitangi Tribunal	"Everything is Crystal Clear and black and white."
Iwi can claim anywhere they want	Iwi claims are limited by their whakapapa
Based on individual whakapapa	Based on tribal whakapapa

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Waitangi Tribunal

11 Aug 2021

Ministry of Justice
WELLINGTON

The scope of the inquiry will be on the administration of justice. Section 7 of Wai 2665 Statement of Claim fits in with the Justice system issues arising from the claims that meet the kaupapa test of national scope and significance include allegations relating to:

(a) a lack of recognition of tikanga Māori as a source of law in the common law regime;

(b) discrimination against Māori in the statutory and institutional framework for the administration of justice in colonial and modern times;

(c) institutional racism and bias in the policy and practice of justice sector organisations;

1. The principle of the Treaty of Waitangi of Autonomy and Options which recognizes Maori Customary law and in particular Maori genealogy or whakapapa. The Treaty principle of partnership included the duty to consult Maori and to obtain the full free, and informed consent of the correct right holders in any transaction for their land.¹

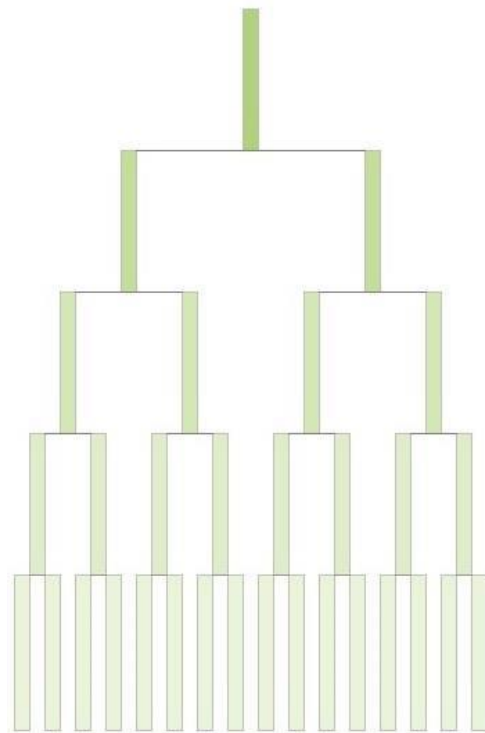
a. The Crown has misunderstood and has no understanding of Tribal genealogy. Tribal genealogy is the complete reverse of an individual genealogy as you can see on the page below. A tribal or Iwi genealogy starts with an ancestor many generation ago and comes down to many descendants. A tribe is limited by its genealogy on where a tribe can claim contrary to the Crown's Cross Claim Policies. The claim is not about individual claimants, but the individual genealogy methodology used by the Crown and when they should use a tribal methodology.

b. The individual genealogy is not so confined. The Crown makes mistakes because it treats Iwi or Tribal claims which are limited like individual claims which are widespread. As you go higher in the Tribal or Iwi genealogy and the individual genealogy, the Iwi genealogy gets narrower and more confined until you get back to the one ancestor. The individual genealogy on the other hand just gets wider and wider and has no limits. In Maori Genealogy an individual can claim the genealogy of all their ancestors, two parents, four grandparents etc etc. An individual's genealogy is widespread and will overlap with other individuals. But a tribe is limited to where they can claim due to their genealogy. Individuals can have overlapping claims with other individuals. With the Crown Overlapping Claim policies, it allows tribes to claim as individuals, with an individual methodology.

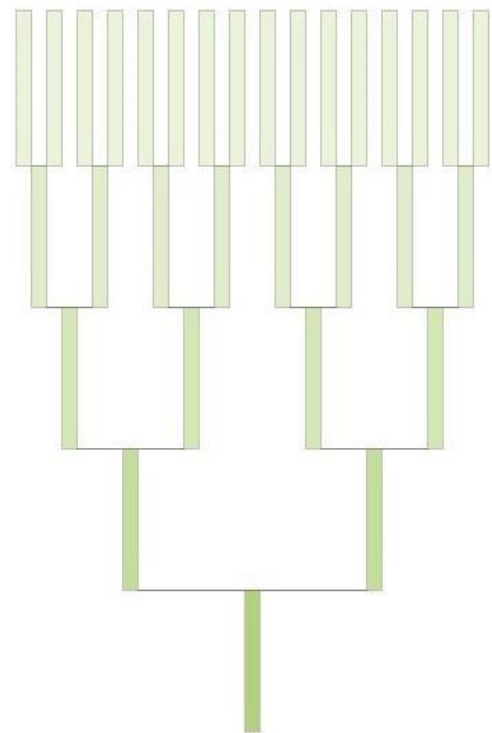
c. The Crown do not understand tribal genealogies and their properties. Their methodology is based on the Maori Land Court which was established to

¹ <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/principles-of-the-treaty/>

transform Maori Tribal Title into individual title in the 1860's. Today the Crown is trying to settle with Tribes but are still using the individual methodology and not a tribal methodology.



Iwi Whakapapa



Individual Person whakapapa

2. The Crown has a strong disregard for Tikanga Maori, Maori Rights, Maori Customary Law and the evidence of Maori and has a bias towards supporting the Crown evidence and Settlement process.
3. Were a tikanga process to be followed on tribal whakapapa, the applicants allege that there would be no need for an overlapping claims policy, as iwi-based interests would clearly determine who should receive redress within specific rohe.

Patrick Nicholas on behalf of Wai 2665 and Patrick Nicholas Kohikohinga