

OFFICIAL

**KEI MUA I TE AROARO O TE RÖPŪ WHAKAMANA I WAI 3500
TE TIRITI O WAITANGI WAI 2441
BEFORE THE WAITANGI TRIBUNAL**

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Identity and Culture Kaupapa Inquiry (Wai 3500)

AND

IN THE MATTER OF a claim by Tāne Cook for himself and the New Zealand Māori Council (Wai 2441)

SUBMISSION ON TREATY SETTLEMENT POLICY

11 July 2025

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RECEIVED

Waitangi Tribunal

11 Jul 25

Ministry of Justice
WELLINGTON

E TE KAIWHAKAWĀ, TĒNĀ KOE

1. This submission is made on behalf of Mr Tāne Cook on behalf of himself and the New Zealand Māori Council (NZMC), A corporate entity established under the Māori Community Development Act 1962.
2. The submission responds to the Tribunal's invitation 30 May 2025, repeated on 7 July 2025, to make initial or further contribution to the Kaupapa, including discussion of what might need to be added to the scope of the Inquiry.¹ This paper is intended to amplify one aspect of Mr Cook's korero on June 18 2025.

OVERVEIW

3. **The tono in this paper is that the Crown's policy for the historic treaty claims settlement stands as part of the Identity and Culture inquiry to consider the impact of the Crown policy on Māori social structures and identity.**
4. The inclusion in the inquiry is sought because this policy, which was introduced without consultation, significantly affects and may be seen to prejudice customary Māori relationships and social organisation.
5. During the Inquiry, comparisons may be made with the Crown's 1860s policies that imposed individual ownership on the lands customarily held by the Hapū. This law was made without consultation or consent, and again, the consequences were devastating.
6. The possible relief to be sought is a recommendation that the Crown seek the opinion of the Tribunal before proposing further legislation affecting Māori communities. The documentary evidence required

¹ Wai 3500, #2.5.6; #2.5.7 at [13]; [14] (a).

would be primarily “The Red Book — ‘Ka tika ā muri, ka tika ā mua — Healing the past, building a future’.²

7. The evidence for the NZMC would be on Hapū as the political unit of customary Māori society, the unique significance of that structure for a democratic society, its capacity for managing issues affecting health, education and law observance, and the capacity of Hapū to confederate with others for particular projects upon customary terms, (for example, fishing expeditions, war and managing climate change.) so that there is room for Iwi formations provided the constitutional framework is culturally compliant.
8. The evidence would also address the issue of whether beneficiaries should be the descendants of a named ancestor or simply several Hapū.

NZMC SUBMITS

9. That the tribunal commission research on the tribunal's previous findings, such as the Pakakohi and Tangahoe Settlement Report (2000) and the Ngapuhi Mandate Inquiry Report 2015 and collate the leading literature on Māori social organisation.
10. If the Panel believes that these requests fall outside the scope of the inquiry, then we request that they comment on this so it can be brought up in a relevant Kaupapa inquiry as soon as possible.

Dated at **Wellington** this Friday, 11 July 2025.

Donna Hall,
Woodward Law
Counsel for the Claimants

Bryn Singers

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² Office of Treaty Settlements *Ka tika ā muri, ka tika ā mua — Healing the Past, Building a Future, a Guide to Treaty of Waitangi Claims and Negotiation with the Crown* (2018)