I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI ` **Wai 2700** ` **Wai 2244**

KEI RARO I TE MANA ` te ture o te Tiriti o Waitangi 1975

Ā

I TE TAKE O the Mana Wāhine Kaupapa Inquiry **(Wai 2700)**

Ā

I TE TAKE O a claim by Merehora Taurua and Peter Pokai Taurua for and on behalf of Tangata Whenua Ngati Rahiri hapu ke Te Tii Waitangi and Te Pēwhairangi hapū **(Wai 2244)**

Amended Statement of Claim
20 Poutūterangi | March 2025

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Tēnā, E Te Rōpū Whakamana I Te Tiriti O Waitangi

Ngā Kaitono – The Claimants

1. This Amended Statement of Claim is filed on behalf of Merehora Taurua of te rohe o Pēwhairangi o Ngāti Rāhiri, Ngāti Kawa, Ngāti Manu, Te Uri Taniwha, Ngāti Rangi, Ngāti Rehia, Ngāti Kuri, Ueoneone o Ngāpuhi ("the Claimants") to participate in the Mana Wāhine Kaupapa Inquiry (Wai 2700).

2. This Amended Statement of Claim raises mana wāhine issues relating to the Claimants experiences within the colonial and neo colonial societal context stemming from the failure of the Crown to recognise wāhine Māori tikanga, kaitiakitanga and their role in tribal customs and leadership.

3. The mana wāhine issues raised in this Amended Statement of Claim have not been dealt with or raised to a level of specificity as a Kaupapa Inquiry in previous Tribunal Inquiries including Wai 1040 Te Paparahi o Te Raki Inquiry.

4. The Wai 2244 claim has not been settled.

5. The claimants are ready to proceed with preparation for the respective Wai 2700 inquiry and onto hearing.

6. The named claimants for the Wai 2244 claim satisfy the criteria in section 6(1) of the Treaty of Waitangi Act 1975, namely that:

- **a.** They are Māori; and
- **b.** They have been and continue to be or are likely to be prejudicially affected by the various Acts and Crown policies, practices, acts and omissions adopted by or on behalf of the Crown or its agents.

The Claim

7. The claimants were the first Māori people to receive the English language, modern tools and instruments of western development, gunpowder, weapons and the new laws of colonisation. The Claimants subsequently were the first to lose their language, displaced tikanga Māori, culture and traditional practices. The colonial period saw an influx of Christianity and other influences such as alcohol, foreign diseases and lawlessness including

prostitution which diminished wāhine Māori rangatiratanga and rendered such wāhine mana Māori tikanga practices subservient to that of the colonisers policies, practices and laws.

8. The Claimants say that one example of the tikanga laws for woman that while harvesting food was not allowed if the woman was menstruating and the role of burying placenta after the birth of a child were socially ignored and neither recognized nor adopted as part of social conditioning by Pākehā. That while wāhine Māori were coerced and at times forced into assimilation of colonial society norms and practices the same was not expected of Pākehā women to adopt those practices and tikanga of Māori wāhine society.

9. The claimants cite one example of tikanga and the use of shame, whakamā as a social norm for Māori society was reduced and usurped by colonial power authority institutions including courts and religion.

10. Prior to 1840, wāhine Māori held influential roles within their whānau and hapū. The role of wāhine Māori as nurturers, community organisers, holders of property and leaders, challenged the colonial view of only men capable as heads of families, the colonial view that women were subordinate to men, and the colonial concept of individual title and the role of only men capable of owning real property.[1] The influential role of wāhine Māori was inconsistent with British attitudes towards women.[2]

FIRST CAUSE OF ACTION - FAILURE OF THE CROWN TO RECOGNISE THE STATUS AND ROLE OF WĀHINE MĀORI BY DENYING THEIR FULL PARTICIPATION IN TREATY NEGOTIATIONS AND ENGAGEMENTS

11. The claimants allege that the Crown denied wāhine Māori the opportunity to fully participate in treaty negotiations, discussions and official engagements, thereby diminishing their rangatiratanga, in breach of Te Tiriti/the Treaty.

[1] Law Commission, *The Experience of Māori Women,* April 1999, Wellington, (NZLC R53) at [38].
[2] Ibid., at [38]

Particulars

12. There were 540 signatories to Te Tiriti. 522 were men, only 18 were wāhine Māori rangatira. Due to colonial attitudes toward their women, the Crown did not consult extensively with wāhine Māori rangatira and did not consider them worthy of official engagement.[3]

13. Despite wāhine Māori having economic and political power during the 1840s, colonial mindsets were unable to accept equitable power distribution, and wāhine Māori were discouraged by Crown officials from signing Te Tiriti, due to the belief that women had no constitutional power to sign contracts.[4]

14. The signing of Te Tiriti provided a clear point in history where the Crown largely refused to recognise wāhine rangatira and sought only minimal signatures from wāhine Māori.[5] Wāhine rangatira who were present during the signing of Te Tiriti, were often ignored by Crown officials.[6]

15. Since 1840 to the present numerous overt and covert actions by the Crown have continued a legacy of partnership between Māori and the Crown that was almost exclusively male-dominated.[7] Wāhine Māori have been excluded from systems of leadership that the Crown established and has continued to produce and maintain.[8]

16. Wāhine rangatira had influential roles prior to the signing of Te Tiriti, supporting growing economies in their regions and facilitating engagement between settlers and Māori. The Crown did not acknowledge or protect the status and rights of wāhine Māori rangatira, despite the leadership and influence they held in pre-colonial times.

17. The Crown's under-recognition of wāhine Māori, perpetuated a pattern of

[3] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 164.
[4] Ibid., at 166.
[5] *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori access to Decision-Making Roles in the Public Sector from 1990 to 2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B01) at 197.
[6] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 205.
[7] *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori access to Decision-Making Roles in the Public Sector from 1990 to 2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 208.
[8] Ibid., at 197.

marginalisation that had long term adverse effects on wāhine Māori, undermining their traditional roles and contributing to their socio-economic disenfranchisement.[9]

SECOND CAUSE OF ACTION – FAILURE OF THE CROWN TO FORMALLY RECORD AND RECOGNISE THE MANA AND RANGATIRATANGA STATUS OF WĀHINE MĀORI

18. The claimants allege that the Crown failed to give formal recognition to wāhine Māori, erasing their views from the historical record, and marginalising the status of wāhine Māori through colonial legislation and attitudes, resulting in the loss of mana, identity and rangatiratanga.

Particulars

19. Following the signing of Te Tiriti, the Crown systematically imposed a series of legislative and legal frameworks that undermined the rangatiratanga, role, and status of wāhine Māori.[10]

20. While missionaries taught some wāhine Māori to write, it is difficult to find wāhine Māori views in colonial archives because their views were not sought by colonial collectors of information.[11]

21. There is little written evidence or information about wāhine Māori in the two decades after the signing of Te Tiriti.[12] As immigration and settlement increased, the political, social, cultural and economic status of wāhine Māori diminished.[13]

22. The Crown continued to disempower wāhine Māori from their roles as treaty partners. Many wāhine Māori wrote letters and petitions to the Crown, in relation to land, laws and the occupation of land by Europeans, but there is little evidence available of the Crown responding.[14]

23. Despite being guaranteed protection, partnership and rangatiratanga through

[9] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 208.
[10] Ibid., at 271.
[11] Ibid., at 215.
[12] Ibid., at 216.
[13] Ibid., at 230.
[14] Ibid., at 213.

Te Tiriti, wāhine Māori were not only being rendered virtually invisible, but they were being actively attacked by the Crown through the land wars.[15]

24. The Supreme Court of New Zealand established in 1841 relied only on British systems of law, ensuring no Māori or wāhine Māori representation. The first Māori justice of the Supreme Court was in 2019, 177 years after its establishment.[16] Wāhine Māori held no formal positions in any of the Courts and were never formally consulted about the formation of the court system.

25. Colonial legislation entrenched racial hierarchy's and privileges favouring European individuals over Māori by failing to offer equal and equitable opportunities. Marriage legislation legitimated children of a European parent to inherit land, Māori parents did not receive the same protection or privilege.[17]

26. Colonial legislation centralised authority and power enabling civil matters such as divorce, to be administered by male colonial officials, reflecting broader patterns of power consolidation within the colonial legal framework and the marginalisation of women and more specifically wāhine Māori.[18]

27. The Crown through colonial marriage legislation favoured certain religious institutions, excluding Māori spiritual communities. The legislation marginalised Māori by empowering European Christian institutions, reinforcing cultural hierarchies', privileging European traditions and limiting Māori rangatiratanga within colonial New Zealand.[19]

28. The Māori Purposes Act 1951 and the Māori Affairs Act 1953 eradicated the recognition of Māori customary marriages, reflecting the Crown's failure to recognise and protect the property and land rights of wāhine Māori.[20]

29. The erosion of the rangatiratanga and traditional status of wāhine Māori, not

[15] Ibid., at 230.
[16] Ibid., at 237.
[17] Ibid., at 254.
[18] Ibid., at 257.
[19] Ibid., at 266.
[20] Ibid., at 273.

only undermined the cultural identity of wāhine Māori but also contributed to the broader disenfranchisement of Māori communities from their land and heritage.[21]

30. The Education Ordinance of 1847 formalised a pākehā education system and positioned pākehā men as those with influence and leadership positions.[22] The effect of the Education Ordinance 1847 was to place Māori in positions that were subordinate to pākehā.[23]

31. The Crown established education policies that focused on assimilating Māori, with the promotion of English language and western knowledge systems dominating the education system.[24] State controlled schooling was aimed at civilising and domesticating Māori girls, making them more suitable for men.[25]

32. The lack of recognition of wāhine Māori by the Crown in colonial education legislation had detrimental impacts on the important roles of wāhine Māori, as traditional transmitters of cultural knowledge and practices within their whānau and hapu.[26] The colonial regime required wāhine Māori to abandon their own values, and relinquish any roles or positions that did not align with European femininity to be trained as domestic servants.[27]

33. The colonial regime prioritised European values, religious teachings and the English language over the preservation of Māori culture.[28] Cultural bias characterised the colonial education system and failed to recognise and acknowledge wāhine Māori as learners, educators and individuals capable of actively participating in the education system.[29]

34. The exclusion of wāhine Māori in the education system perpetuated the already existing power imbalance disregarding their valuable contributions

[21] Ibid., at 273.
[22] Ibid., at 461.
[23] Ibid., at 462.
[24] Ibid., at 462.
[25] Ibid., at 464.
[26] Ibid., at 470.
[27] Ibid., at 471.
[28] Ibid., at 472.
[29] Ibid., at 474.

and perspectives within the education system.[30]

35. Colonial legislation promoted industrialisation, economic development and the acquisition of skills that were perceived as necessary for the advancement of British society, marginalising mātauranga Māori and wāhine Māori perspectives resulting in inequalities and limiting access to education.[31]

36. The continual exclusion of wāhine Māori from the development of colonial policies and practices diminished their status and rangatiratanga resulting in marginalisation of oral traditions, traditional cultural practices and loss of te reo Māori.[32]

37. Colonial ideologies around the expectations of women and their roles in society were used to justify the marginalisation of wāhine Māori. Their positions as rangatira, leaders and traditional knowledge holders were disregarded by missionaries and Crown officials.[33]

38. The Crowns education policies failed to protect and recognise the Tino rangatiratanga of wāhine Māori in relation to their lands, social, political, health, education and economic rights.[34] The education system not only prejudiced wāhine Māori but also limited their vocational paths, often relegating them to subordinate roles.[35]

39. Over the years, the integration of Māori into colonial societies, cemented the view that Māori masculinity was superior to femininity and became part of the new Māori normal.[36]

40. The colonial government adopted gender neutral language, and the absence of women has meant that the specific issues and initiatives affecting wāhine Māori have sometimes been overlooked.[37] Access to accurate and comprehensive data on wāhine Māori is limited, as race and gender were not

[30] Ibid., at 490.
[31] Ibid., at 509.
[32] Ibid., at 531.
[33] Ibid., at 533.
[34] Ibid., at 534.
[35] Ibid., at 535.
[36] *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori access to Decision-Making Roles in the Public Sector from 1990 to 2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B01) at 18.
[37] Ibid., at 19.

recorded in many early data sets.[38]

41. Discrimination against wāhine Māori remains prevalent. Discrimination takes many different forms, some founded in Crown legislation and policy, others in workplace discrimination targeting individual wāhine Māori as well as targeted abuse towards wāhine Māori politicians.[39]

42. The experiences of wāhine Māori within the public sector are distinct from the experiences of Pākehā women and have been influenced by both patriarchal and racist sentiments.[40]

43. Colonisation fundamentally changed the nature of gender relationships in society by the imposition of western and Christian patriarchy, that disrupted Māori society through policies designed to dismantle iwi, hapū and whānau leadership, diminish rangatiratanga, and actively sought to supress te reo Māori and tikanga Māori.[41]

44. The impacts of assimilation and cultural dissonance experienced by wāhine Māori in their schooling and careers can be traced to nineteenth century racist ideologies, embedded in Māori education policy.[42] The profiling of indigenous peoples who 'look like' criminals, and the low education expectations of indigenous children who are considered less competent than the children of European children, have influenced Māori education policy since its inception.[43]

45. Since the nineteenth century the education system has maintained its original strategy of creating a Māori labour/underclass where early Māori education policy was aimed at a differential and gendered curriculum for Māori.[44]

46. The intergenerational outcomes of education and schooling, and the impacts of assimilation have over time, had a detrimental impact on Māori education

[38] Ibid., at 19.
[39] Ibid., at 22.
[40] Ibid., at 31.
[41] *Ngā Wero a te Mana Wāhine, Wāhine Māori justice and equity wellbeing, 1990-2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B08) at 18.
[42] *Toitu te Mana Wāhine Contemporary Employment and Education Issues for Wāhine Māori, Equity and Disparities from 1990 to 2020,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B06) at 111.
[43] Ibid., at 111.
[44] Ibid., at 111.

and wāhine Māori particularly to achieve academic and employment success.[45]

47. Government policy is targeted towards students based on a false assumption that all students start on a level playing field, so the inequities experienced by wāhine Māori remain entrenched.[46]

48. The subsuming of wāhine Māori within all of society emphasizes the status quo and erases wāhine Māori rangatiratanga. Maintaining the status quo ensures that the disproportionate inequalities for wāhine Māori persists.[47]

49. Inequalities experienced throughout education and schooling impacts significantly on the ability of wāhine Māori to gain qualifications and access to higher education leading to greater career choice and employment opportunities.[48]

50. The education curriculum provides a vehicle for societal knowledge and ideological values required to maintain the culture and economics of the dominant group.[49] The curriculum for wāhine Māori well into the twentieth century, emphasised practical skills rather than the acquisition of knowledge associated with academic subjects and professions.[50]

THIRD CAUSE OF ACTION – FAILURE OF THE CROWN TO RECOGNISE AND ACKNOWLEDGE THE MANA AND RANGATIRATANGA OF WĀHINE MĀORI IN RELATION TO THE OWNERSHIP OF LAND AND DEALING IN LAND

51. The claimants allege that the Crown, through its native land tenure system and regime, breached Te Tiriti/the Treaty by failing to recognise wāhine Māori as traditional owners of land.

Particulars

52. Colonial policies often disregarded the communal and kinship-based land

[45] Ibid., at 111.
[46] Ibid., at 112.
[47] Ibid., at 112.
[48] Ibid., at 113.
[49] Ibid., at 113.
[50] Ibid., at 113.

tenure systems of Māori, favouring individualised and male dominated ownership models.[51] This shift not only disenfranchised Māori collectively but also specifically eroded the status and rights of wāhine Māori rendering their lands rights increasingly venerable and marginalising their roles within both Māori and colonial societies.[52]

53. The shift from communal land tenure to individual title under colonial law resulted in the alienation of Māori land. Wāhine Māori faced significant challenges retaining their land and authority, gender specific barriers within the colonial legal framework, did not adequately protect their interests.[53]

54. The Crown facilitated the exploitation of Māori land and perpetuated settler dominance and displacement of wāhine Māori in favour of colonial interests.[54]

55. Male dominated colonial attitudes, elevated the worth and position of tāne Māori above wāhine Māori resulting in a redefining of wāhine Māori roles. As a result, wāhine Māori were gradually excluded from decision-making processes relating to land ownership, allocation, and usage, diminishing their mana and status.[55]

56. The individualisation of land title, dismantled the collective whānau hapū unit and diminished the significant roles of wāhine Māori.[56]

57. The Māori Real Estate Asset Act 1867 illustrates the Crowns intention to control and assimilate wāhine Māori land resources into the colonial regime. The Act enabled the Crown to administer and utilise Māori resources under the guise of protection and management, reflecting broader themes of control and assimilation.[57]

58. The Native Land Act 1873 undermined the rangatiratanga, status and autonomy of Māori women, by framing them as subordinate to their husbands

[51] *Mana Wāhine āori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 266.
[52] Ibid., at 266.
[53] Ibid., at 266.
[54] Ibid., at 245.
[55] Ibid., at 272.
[56] Ibid., at 268.
[57] Ibid., at 259.

in matters of legal and economic significance.[58] The Act required husbands to be a party to all land deeds signed by a married woman and structured legal transactions in a way that necessitated male involvement.[59]

59. Married Māori women were required to obtain their husbands consent to convey property until 1881.[60] The Native Lands Amendment Act 1882 recognised native custom alongside English property laws, however behind the façade of equity the Act facilitated the acquisition of wāhine Māori land interests.[61]

60. The Native Succession Act 1881 diminished the property rights of wāhine Māori by removing their ability to bequeath property as they wished, requiring a husband's consent to any will, unless they had been widowed.[62] Pākehā husbands could dispose of property without the consent of their Māori wife.[63]

61. The Native Land Act 1909 imposed pākehā family structures on Māori, erasing traditional succession of land through wāhine Māori.[64] The native land legislation eroded wāhine Māori land rights resulting in significant land loss for wāhine Māori.[65]

62. Wāhine Māori mana and rangatiratanga continued to diminish in the nineteenth century through male dominated European societal practices and norms. Wāhine Māori who married under European law, were pressured by their pākehā husbands to claim and acquire lands.[66]

63. Through native land legislation and marriage, the Crown trapped wāhine Māori in costly legal processes, enforcing formal registration and legal requirements on marriage, disrupting communal land ownership, and

[58] Ibid., at 261.
[59] Ibid., at 261.
[60] Ibid., at 261.
[61] Ibid., at 261.
[62] Ibid., at 263.
[63] Ibid., at 272.
[64] Ibid., at 268.
[65] Ibid., at 272.
[66] Ibid., at 268.

introducing norms that conflicted with Māori custom.[67]

64. The legacy of historical injustices continues to influence the socio-economic status of wāhine Māori in the contemporary context.[68] The enduring effects of colonisation and the need for equitable recognition and empowerment of wāhine Māori in all aspects of society remain critical issues.[69]

65. Crown policies have not recognised or supported the land ownership and inheritance rights of wāhine Māori. The Crowns failure to address the specific needs and rights of wāhine Māori in relation to whenua has marginalised them, limiting their economic autonomy and cultural connection to ancestral lands.[70]

FOURTH CAUSE OF ACTION - FAILURE OF THE CROWN TO PROTECT THE TRADITIONAL PRACTICES OF WĀHINE MĀORI RELATING TO THE HEALTH AND WELLBEING OF THEIR WHĀNAU AND HAPŪ, DIMINISHING THEIR STATUS AND RANGATIRATANGA

66. The claimants allege, that the Crown undermined the traditional practices of wāhine Māori in relation to the health and wellbeing of their whānau and hapū, diminishing their roles, rangatiratanga and status.

Particulars

67. Wāhine Māori traditionally held mātauranga oranga and had the ability to assess, diagnose, treat and rehabilitate their whānau and hapū.[71] Grounded in proactive, preventive philosophies of well-being, wāhine Māori developed these practices over centuries.[72] The colonial government developed health care systems that focused on the wellbeing on the settler population.[73]

68. The Crown developed a health care system and associated legislation that

[67] Ibid., at 271.
[68] Ibid., at 266.
[69] Ibid., at 266.
[70] *He Wāhine, he Ōhanga, he Ōhanga, he Wāhine Through Wāhine, Economic Development, by Wāhine, our Economy The socio-economic status and wellbeing of Wāhine Māori from 1990 to 2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B07) at 202.
[71] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 380.
[72] Ibid., at 378.
[73] Ibid., at 390.

discriminated against Māori, and wāhine Māori resulting in limited access to health care.[74] Hospitals were reluctant to admit Māori, due to racial prejudice and discriminatory attitudes, further limiting access to healthcare.[75]

69. The evolution of discriminatory public health care policies, hospital systems, and mental health care have shaped poor health outcomes for wāhine Māori and impacted on generational poverty, housing, access to clean water and vaccinations.[76]

70. The lower life expectancy of wāhine Māori reflects broader disparities in health and wellbeing.[77] The historical context of population decline and disparities in mortality rates significantly shaped the experiences, beliefs and behaviours of wāhine Māori as they transitioned into adulthood.[78]

71. Legislation, such as the Tohunga Suppression Act 1907 not only undermined tikanga Māori, but it also deprived wāhine Māori of valuable resources developed over generations to nurture sources of spiritual, mental and emotional health.[79]

72. The Tohunga Suppression Act 1907 was assimilationist and undermined the rangatiratanga, status, and authority of wāhine Māori as spiritual leaders and medical practitioners.[80] The legislation disrupted the intergenerational transmission of mātauranga rongoā.[81]

73. Colonial legislation devalued wāhine Māori practices such as rongoā, disproportionately impacting and diminishing the traditional caregiving roles and community responsibilities of wāhine Māori.[82]

74. The Crown replaced Māori institutions and cultural practices with a

[74] Ibid., at 398.
[75] Ibid., at 398.
[76] Ibid., at 436.
[77] Ibid., at 408.
[78] Ibid., at 408.
[79] Ibid., at 415.
[80] Ibid., at 416.
[81] Ibid., at 416.
[82] Ibid., at 425.

capitalist system embedded with Christian values and traditions.[83] As a result wāhine Māori were systematically distanced from their own cultural heritage leading to loss of traditional knowledge, identity and culture.[84]

75. Pākehā men continue to have better health outcomes and access to healthcare than Māori and wāhine Māori. Public health policies and services were designed with settler population in mind and wāhine Māori have been marginalised since the beginning.[85]

76. Crown policies have inadequately supported wāhine Māori in preserving and utilising their expertise in traditional health practices which have restricted their livelihood. The Crown has marginalised wāhine Māori practitioners, constraining their professional opportunities and economic well-being.[86]

77. The Crown has failed to recognise or protect the rights of wāhine Māori concerning rongoā. The lack of recognition undermines their ability to control, apply and benefit from their traditional knowledge and practices.[87]

78. The historical suppression of rongoā Māori and the insufficient protection of Māori knowledge systems highlight the failure of the Crown to uphold the treaty guarantees.[88]

FIFTH CAUSE OF ACTION - FAILURE OF THE CROWN TO PROVIDE EQUAL OPPORTUNITIES FOR WĀHINE MĀORI POLITICAL PARTICIPATION

79. The claimants allege, the Crown imposed male dominated Eurocentric political structures over Māori collective systems of political power and control thereby imposing a colonial male gender bias upon an otherwise

[83] Ibid., at 470.
[84] Ibid., at 470.
[85] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 611.
[86] *He Wāhine, he Ōhanga, he Ōhanga, he Wāhine Through Wāhine, Economic Development, by Wāhine, our Economy The socio-economic status and wellbeing of Wāhine Māori from 1990 to 2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B07) at 204.
[87] Ibid., at 204.
[88] Ibid., at 204.

gender-neutral community in terms of political engagement and influence.

Particulars

80. Western interpretations of politics and leadership as a male activity meant that Māori women were not recognised as having mana and authority in the political realm.[89]

81. Wāhine Māori were not always recognised or acknowledged by Pākehā as political leaders. This attitude shaped how information was collected in the colonial period and in turn influenced how history was recorded, which did not adequately encompass nor fully recognise Māori women's political and economic leadership in the pre-1840 world.[90]

82. The system of centralised government as underpinned by political ideas with the foreign Westminster system, was imported to New Zealand as part of establishing a dominant form of law and politics that was aimed at superseding Māori political institutions.[91]

83. Māori were excluded from representation in government and only gained inclusion through the establishment of Māori seats in 1867. Wāhine Māori were not able to stand as candidates and were excluded from voting. As a result, the early years of central government in New Zealand were male dominated and designed by pākehā men.[92]

84. Colonial society was unable to conceive of women as political leaders at the time, solidifying colonial perceptions and attitudes wāhine Māori experienced through the signing of Te Tiriti that wāhine Māori were not leaders.[93]

85. The Māori Representation Act 1867 excluded wāhine Māori from voting or

[89] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 548.
[90] Ibid., at 548.
[91] *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori access to Decision-Making Roles in the Public Sector from 1990 to 2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B01) at 29.
[92] Ibid., at 29.
[93] Ibid., at 33.

being in Parliament. Representation in the Act referred to Māori males only and reflected the attitudes of pākehā legislators who viewed men as legal representatives of their wives.[94]

86. Wāhine Māori as leaders and important community members with distinct needs and experiences were largely overlooked in the design and leadership of central government during the first 168 years of British-informed governance in New Zealand.[95]

87. Wāhine Māori have been largely excluded from central and local government by Crown policies and legislation that specifically excluded Māori and women.[96] Only 35 wāhine Māori have been elected to Parliament and there has been no indication from the Crown of any concern for wāhine Māori representation.[97]

88. While the overall trend of wāhine Māori representation in senior leadership and decision-making roles has increased over time, current legislation and policies do not guarantee representation. Wāhine Māori continue to experience discrimination, unfavourable working conditions, and institutional barriers to promotion and appointment.[98]

89. Access to public sector representation, leadership and decision-making for wāhine Māori is riddled with issues of discrimination. While there are no longer the same overtly racist and patriarchal laws that existed historically, there has been a reliance on the status quo as established by these historical laws.[99]

90. Te Tiriti o Waitangi guaranteed Māori authority over their lands and lives, subsequent colonial policies undermined this promise, limiting the political agency of Māori and by extension, wāhine Māori. Wāhine Māori navigated

[94] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 565.
[95] *Wāhine Rangatira me te Kāwanatanga: Wāhine Māori access to Decision-Making Roles in the Public Sector from 1990 to 2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B01) at 29.
[96] Ibid., at 197.
[97] Ibid., at 198.
[98] Ibid., at 200.
[99] Ibid., at 202.

political landscape that largely excluded them.[100]

91. Wāhine Māori continue to face significant obstacles to political representation navigating a system heavily influenced by western political structures and dominant pākehā male representation, norms and values.[101]

92. While settlers benefited from political institutions that reinforced their cultural and political dominance, wāhine Māori grappled with systemic barriers that limited their political representation and the ability to influence policies affecting their communities.[102]

93. Wāhine Māori continue to struggle to gain equitable political representation and the recognition of rangatiratanga in New Zealand's democracy.[103]

94. Although wāhine Māori contested many decisions across the social, economic, and political landscape, their lack of formal power created major socio-economic disadvantages.[104]

SIXTH CAUSE OF ACTION - FAILURE OF THE CROWN TO RECOGNISE THE ROLE OF WĀHINE MĀORI IN THE ESTABLISHMENT OF MĀORI COMMUNITIES IN URBAN AREAS

95. The claimants allege that the Crown, through its urbanisation and assimilation policies, breached Te Tiriti/the Treaty by failing to recognise the role of wāhine Māori in their whānau, and hapū, imposing Eurocentric lifestyles and roles on wāhine Māori through the process of urbanisation.

Particulars

96. The Crowns urbanisation policies aimed to integrate Māori into European society, at the expense of Māori traditions and language. Urbanisation policies encouraged Māori migration, where they faced challenges in

[100] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 588.
[101] Ibid., at 589.
[102] Ibid., at 589.
[103] Ibid., at 589.
[104] Ibid., at 611.

maintaining their cultural identity and practices.[105]

97. Urbanisation removed access to the wider members of whānau and hapū who could transmit traditional practices and Mātauranga, and te reo Māori on a daily basis, affecting wāhine Māori identity.[106]

98. Assimilation restricted the traditional roles and responsibilities of wāhine Māori from public community focused roles to private domestic roles.[107] Many wāhine Māori had to cope with the full responsibility of domestic duties where previously these duties were shared among whānau.[108]

99. The Crown's urbanisation and assimilation strategies, meant that Māori and wāhine Māori did not live in close proximity to each other and therefore were unable to meet and could not create spaces for whanaungatanga and provide support to each other.[109]

100. Urbanisation meant that wāhine Māori lived away from their whānau and whakapapa networks and were unable to access support.[110] Isolating wāhine Māori from their own networks led them to rely more heavily on the Crown, which reinforced traditional Western family units and roles.[111]

101. Crown housing policies such as pepper potting, impacted wāhine Māori traditional roles and practices and accelerated assimilation by ensuring that Māori did not have Māori neighbours, creating barriers to the development of Māori urban communities.[112]

102. Placing Māori in primarily Pākehā urban communities, with no support or other Māori, led to many documented experiences of racism towards Māori

[105] Ibid., at 656.
[106] *Mana Wāhine I te Ao Hurihuri Equity and Disparities in the Wellbeing for Wāhine Māori from the 1950s to 2000* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B03) at 67.
[107] *Mana Wāhine I te Ao Hurihuri Equity and Disparities in the Wellbeing for Wāhine Māori from the 1950s to 2000* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B03) at 66.
[108] Ibid., at 71.
[109] Ibid., at 69.
[110] Ibid., at 61.
[111] *Mana Wāhine I te Ao Hurihuri Equity and Disparities in the Wellbeing for Wāhine Māori from the 1950s to 2000* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B03) at 69.
[112] Ibid., at 75.

and wāhine Māori.[113]

103. Dominant public views and attitudes towards Māori at the time of urbanisation were discriminatory, and although inaccurate, often led Māori and wāhine Māori to distance themselves from being Māori.[114] Accounts at the time, would stereo-type wāhine Māori as undesirable partners for marriage, and misinformation about drinking alcohol resulted in wāhine Māori not being served alcohol in bars and pubs around the country.[115]

104. Negative stereotypes meant that Māori and wāhine Māori chose to appear more pākehā in public due to assimilatory pressures, modifying their accents and diets, to be perceived as less Māori. This also included reluctance to speak te reo, and severing of Mātauranga Māori.[116]

SEVENTH CAUSE OF ACTION - FAILURE OF THE CROWN TO ENSURE WĀHINE MĀORI HAD EQUAL OPPORTUNITIES TO PROSPER ECONOMICALLY FROM THE TREATY PARTNERSHIP

105. The claimants allege the Crown systematically marginalised 50% of Māori communities based on the gender of wāhine Māori from participation in their local and developing colonial economies by marginalising wāhine from full participation in the burgeoning colonial and neo-colonial economies.

Particulars

106. Wāhine Māori have consistently lower rates of income and less employment opportunities than Māori men and non-Māori.[117]

107. Wāhine Māori are over-represented in benefit recipient statistics.[118]

108. Māori and wāhine Māori live in areas of high deprivation.[119]

[113] Ibid., at 76.
[114] Ibid., at 81.
[115] Ibid., at 81.
[116] Ibid., at 82.
[117] He Wāhine, he Ōhanga, he Ōhanga, he Wāhine Through Wāhine, Economic Development, by Wāhine, our Economy The socio-economic status and wellbeing of Wāhine Māori from 1990 to 2020 A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B07) at 25.
[118] Ibid., at 25.
[119] Ibid., at 25.

109. Wāhine Māori are more likely to be in low paid work and are more likely to live in poverty.[120]

110. The socio-economic disparities experienced by wāhine Māori are the result of a long history of discrimination and unconscious bias, colonisation, educational inequities, and occupational segregation.[121]

111. Wāhine Māori are more likely to experience significant or severe hardship than the rest of the New Zealand population.[122]

112. Wāhine Māori are more likely to experience economic pressure in retirement.[123]

113. Wage disparities and socio-economic barriers directly impact the ability of wāhine Māori to engage in schemes such as KiwiSaver.[124]

114. While the Crown has implemented some initiatives to improve access to education and improve skills for training Māori, these initiatives have not always translated into employment outcomes for wāhine Māori.[125]

115. The consistent and significant pay gap indicates a failure of the Crown to actively protect wāhine Māori from discrimination in the workforce.[126]

116. Wāhine Māori continue to face dual discrimination based on gender and ethnicity.[127]

117. Crown policies and practices have failed to address the socio-economic deprivation of wāhine Māori. The socio-economic challenges in addition to educational disparities that have long disadvantaged wāhine Māori have created a cycle of marginalisation that has impacted not only their income

[120] Ibid., at 198.
[121] Ibid., at 30.
[122] Ibid., at 39.
[123] Ibid., at 40.
[124] Ibid., at 41.
[125] Ibid., at 42.
[126] Ibid., at 43.
[127] *Mana Wāhine Māori I ngā wā ō mua, the impacts of Crown legislation, policy and practices on the rangatiratanga, status and roles of wāhine Māori c. 1840 – 1950,* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B09) at 609.

and employment but their overall wellbeing.[128]

118. The consistent lower home ownership rates of wāhine Māori driven by Crown policies, legislation and practices have led to adverse economic, material and well-being outcomes.[129]

Relief Sought

119. The claimants seek the following findings and recommendations;

a. That the claim is well founded; and

b. That Wāhine Māori are recognized as equals in social cultural political and economic society and that steps be taken to ensure Crown policy reflects that;

c. That resources be made available for wāhine Māori to implement those social needs and practices specific to wāhine Māori within their own community and whānau;

d. That effective representation of wāhine Māori at the local regional and national level of all political institutions implemented as an affirmative action policy of the Crown to reverse the cycle of wāhine political under-representation;

e. Such other recommendations that the Waitangi Tribunal deem appropriate in regard to the matters raised in this aforesaid amended statement of claim.

Amendment to Claim

120. The claimants respectfully reserve the right to amend their claim as further evidence research and reports become available.

20 Poutūterangi | March 2025
Tony Sinclair

Legal Counsel

[128] *He Wāhine, he Ōhanga, he Ōhanga, he Wāhine Through Wāhine, Economic Development, by Wāhine, our Economy The socio-economic status and wellbeing of Wāhine Māori from 1990 to 2020* A Report commissioned by the Waitangi Tribunal for the Mana Wāhine Kaupapa Inquiry (Wai 2700, #B07) at 199.
[129] Ibid., at 203.