

Wai 3300 - Speaking Notes Dr. Mary-Anne Baker

Lawyer stated that filed previously has been read and Dr Baker speaks to that filed by herself and Te Kemara Robust.

He Kupu Whakatūwhera — Te Kēmara ki a Kapene Hōpihana (Waitangi 1840)

He aha tāu e hiahia nei i konei? He kaipahua koe — ka tahae koe i ō mātou whenua, ā, ka whakararu i ō mātou tangata.

Ka riro ngā whenua, ā, ka noho pononga mātou i raro i a koe.

Ko koe kei runga, ko au kei raro. Kāhore! Kāhore! Hoki atu!

Ka here koe i a mātou pērā i tēnei — (he hāpai āna ringa, ka whakawhiti hei here) — engari i whānau rangatira mātou, he iwi rangatira, he iwi herekore! Kāhore! Kāhore! Hoki atu!

Te whenua e tu nei matou i runga, i te ra nei, noku. Tenei whenua, ae, nga oneone i raro i aku waewae nei, whakahokia mai ki a au.

What do you seek here? You are a thief — you will steal our lands and bring harm upon our people.

Our lands will be taken, and we shall become servants beneath you.

You will stand above, and I below. No! No! Go back!

You will bind us like this — (and he crossed his hands before him, as if in chains) — but we are born chiefs, a free people, born to be free!

No! No! Go back!

The land on which we are now standing this day is mine. This land, even the very earth beneath my feet, return it to me... Return me my lands.

This is one of the most famous and prophetic speeches given by any rangatira at Waitangi and it is from our Tupuna Rangatira Tohunga Ahurewa Te Kemara 1, (Te Kemara) five generations back, for our hapū, for our whenua, and is, our constitutional mandate.

RECEIVED Waitangi Tribunal
4 Dec 25
Ministry of Justice WELLINGTON

Te Kemara was

- a signatory to BOTH He Wakaputanga (1835) and Te Tiriti (1840) – He Kawenata Tapu
- The host of both Kawenata Tapu , covenants, here on his own whenua Rangatira

What he said at Te Tiriti debate is an expression of the authority he carried under He Wakaputanga and Te Tiriti.

It is not “a speech.”

It is the constitutional position of our hapū at the time of signing.

Engari

Me whakatū ture te Tiriti — e ū pū ana ki He Wakaputanga

Te Tiriti Must Be Made Law — Anchored Firmly in He Wakaputanga

1. The Core Message - is this

- Te Tiriti must be made law.
- He Wakaputanga must anchor it, because He Wakaputanga identifies who the legitimate authorities are.

Everything else flows from these two whakapono - truths.

That Today I proclaim this as one of the many direct descendants of Tareha Kaiteke Te Kēmara I, rangatira and tohunga ahurewa of Ngāti Kawa and Ngāti Rāhiri

That Waitangi is the seat of authority for this country – Te Tou Rangatira.

That Ngāti Kawa and Ngāti Rāhiri are the kaitiaki and rightful holders of the two Kawenata Tapu

That He Wakaputanga and Te Tiriti o Waitangi documents were not abstract treaties; they were sacred covenants entrusted to our hapū by our own tūpuna. This reality must sit at the centre of every constitutional kōrero.

2. Why Te Tiriti Must Be Made Law

Te Tiriti is not “principles.” It is tikanga-based constitutional instruction. It sets out:

- the mana motuhake of hapū
- the limits of kāwanatanga
- the obligations of peaceful co-existence
- the mutual recognition of authority

Turning Te Tiriti into “principles” was a deliberate political distortion to weaken it.

Restoring Te Tiriti as law is not radical. It is simply honouring the Kawenata Tapu that formed this nation.

3. Why He Wakaputanga Must Anchor Te Tiriti

He Wakaputanga is the authentication mechanism.

It tells us:

- who the rangatira were
- which hapū held mana
- and what “authority” meant in 1835

Te Tiriti cannot be properly implemented without this foundation. He Wakaputanga provides the constitutional identity of the signatories. It verifies who had authority then and therefore who holds authority now

Themes: Expressions of He Wakaputanga me Te Tiriti

1. These themes are not a model but the way we live and practice the tikanga and instruction of our tūpuna rangatira and tohunga to whom we whakapapa under He Wakaputanga me Te Tiriti. They are our daily constitution, carried from 1835 to this day . Both dates of signing are honoured annually on this very Whenua Rangatira.

Theme One: Mana Motuhake and Tino Rangatiratanga

2. Mana motuhake is absolute accountability for our own decisions; we are not led nor influenced. Tino rangatiratanga is absolute

responsibility. Both belong to the uri of the whānau and to the collective as hapū, not to the individual or as a democratic right.

3. All are guided by their rangatira, those who can authenticate themselves through whakapapa and tikanga. As I grew up at Otiria, every speaker on our marae, also a Te Taitokerau marae would stand and recite their whakapapa before speaking, connecting themselves to whānau, hapū and mana whenua.
4. The authentication is to the hapū paramount chief guided by their tohunga. For us this is both rangatira and tohunga ahurewa Te Kēmara I.

Theme Two: Governorship and Authority

5. A governor is a rangatira, and all rangatira govern themselves and their lands. The sovereigns had their own governors and so did we. Each rangatira is a kaikōrero who speaks for their uri within their rohe. Some were both chief and paramount chief for the whānau. Younger chiefs might represent the elders, but the final word rested with the paramount rangatira.
6. This still applies today on our Waitangi whenua.
7. The notion of sovereign is alien to Māori. Rangatira have supreme power derived from atua, and divine power and presence. This supreme power is over lands, sea and air, not over people, and is expressed through tino rangatiratanga as absolute responsibility. That is why He Wakaputanga and Te Tiriti were deemed tapu - more than sacred - because our Tupuna Rangatira Tohunga could engage directly with Atua who would have informed them of action.

8. **Parliamentary sovereignty may make laws, but never against He Wakaputanga or Te Tiriti. For us, Te Kēmara reminds us: “We are free.”**

Theme Three: Electoral Rights and Systems

9. **The electoral system for generic laws is tolerable, but for governing our people and our taonga, we need tikanga, a Māori voice that can catapult the revitalisation of the Kotahitanga movement that was initiated in the 1890s by Ngāpuhi. There were moves to get this approved in Parliament at the time, but this was not successful. We need to uphold that today. These are different times, and the time is ripe now for its revitalisation.**

Theme Four: Local Governance and Partnership

10. **Local government must operate within our rohe and hapū structures. They must participate fully and develop taonga through true partnership and financial capability, not through paternalism.**

Theme Five: Freedom and Collective Action

11. **Te Kēmara I said we are free. Our freedom is not a grant from any other state, it is our inheritance. We must hold that truth.**

Theme Six: Recognition and Equal Standing

12. **As uri of the signatories of He Wakaputanga, we are tangata whenua. The settlers and visitors became citizens by agreement, not by right. We seek equal rights as guaranteed in Te Tiriti including reciprocal recognition with England wherein if there is a cross-over into pākehā**

law, matters involving Māori must be dealt with according to tikanga.
We want our own ways of knowing, doing, and being.

4. Our Whakapapa Authority (Corrected, Identified, Unchallengeable)

Some have tried to confuse whakapapa lines or overshadow ours. So, I must state that our connections is through whakapapa, not signature, and it flows through the lines of Te Wairua – Auha, Whakaaria, Kawhi - brothers and sister, and through Maikuku and Huatakaroa – Te Ra – Tango , Torongare, Hauhau, - from whom Te Kēmara I descends.

This line is both: Kaharau and Uenuku, the war- leader- strategic lines of the two sons of Rāhiri.

This means: our Ngāti Kawa and Ngāti Rāhiri authority is self-standing, senior, and equal not subordinate to any whanaunga line.

We respect our whanaunga but whakapapa is whakapapa, and mana is determined by where the tūpuna stood, lived, governed, fought, and signed.

Te Kēmara's tūrangawaewae was solidly in Ngāti Kawa and Ngāti Rāhiri: Ōromahoe, Pouerua–Pākāraka – Kororipo and out to Moturua, Hāhāngaroa, Kahuwera and back to Waitangi where the covenants were hosted. That is where the Rangatira authority remains.

5. Te Kēmara's Warning — Constitutional Truth

In 1840, before Hobson, Te Kēmara crossed his wrists and declared:

“Engari i whānau rangatira mātou — he iwi herekore.” We are born chiefs, a free people.

He was not opposing relationship, he was opposing subjugation. He saw the chains before they came.

This is our whakaponu, our constitutional truth. Tino rangatiratanga will not be surrendered. Mana motuhake will not be extinguished. This is the tuara of our kōrero.

6. The Wairua of the Constitution

Our authority is both political and spiritual.

We are:

- **Descendants of Tahuhunuiōrangi — the pillars of the sky, the celestial realm linked to;**
- **Te Waiarikinuiorangi — the spirit tribe**
- **Holders of the tohunga ahurewa lines of both grannies Te Kēmara and Te Ruki Kawiti**

The constitution has an invisible layer, the wairua, that only Māori understand. It does not translate into Westminster law.

This is why the Crown cannot define our authority. This is why our whanaunga cannot overwrite it.

This is why our whakapapa stands.

7. Our Simple Constitutional Position

- **Te Tiriti must be made law.**
- **He Wakaputanga must anchor it.**
- **Tino rangatiratanga remains with the hapū who signed.**
- **Kāwanatanga belongs to Pākehā over Pākehā — not over Māori.**
- **Waitangi remains the seat of authority under Ngāti Kawa me Ngāti Rāhiri .**

This is not rebellion and we be labelled rebels again in the fight for what is whakapono – right and ours. This is restoration of the whakapono – the truth.

He Kupu Whakakapi — Closing

Kua whai reo anō tātou.

Kei konei. Kei tēnei wā.

Ehara i te reo manu — engari ko te reo tangata.

Waiata Whakamutunga

E Rere Te Ao

He waiata nā Te Kēmara I, i titoa mō ngā toa katoa i hinga.

Composed by Te Kemara in his own rangi, tune, to remember all those who had fallen in battle fighting for their rights mana motuhake me tinorangatiratanga, not just Ngapuhi.

He Waiata Poroporoaki: A Farewell Chant: E Rere Te Ao

E rere te ao

E kumea i runga ra

Homai kia mihia

E te tuaititanga

Ka hewa te ngakau

I o mata i rewa ahau

E hoki ki te iti

He mahi mo te tinana

Ka hua ahau e te iwi

He mahi pai te aroha

Kahore ia nei

He tikaro manawa

Patunga waihoe mai

Nau ra e te Atua

Hei huna i te tangata

Ka ngaro i te ao nei

E huri na raro

Ngaro mai huri atu

Tena Koutou e te iwi

Te waihotanga iho

A te hunga kua mate

E arohatia nei e