

**IN THE WAITANGI TRIBUNAL**

**WAI 3300  
WAI 2710**

**IN THE MATTER OF**

the Treaty of Waitangi Act  
1975

**AND**

**IN THE MATTER OF**

Tomokia nga tatau o  
Matangireia – the  
Constitutional Kaupapa  
Inquiry

**AND**

**IN THE MATTER OF**

a claim by a collective of  
Hokianga hapu and whanau  
including Te Hikutu, Te  
Ihutai, Te Uri o Te Aho,  
Kohatutaka, Ngāti Kiore, Te  
Ihutai ki Orira, Patutoka,  
Ngāti Te Reinga, Te  
Mahurehure, Te Uri  
Kaiwhare, Ngāti Pakau, Ngāti  
Pou, Te Rauwawe and  
Mahuri Marae

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**HE MANATU RŌIA**

I tēnei rā, i te rā 26 Huitanguru 2026

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Claimant Counsel:  
Daniel Watkins & Manawa Johnson

**RECEIVED**

Waitangi Tribunal

**26 Feb 26**

Ministry of Justice  
WELLINGTON

**MAY IT PLEASE THE TRIBUNAL:**

1. This Memorandum of Counsel is filed on behalf of:
  - a. Claire Morgan, Anania Wikaira (deceased), Te Ipu Whakatara Absolum, Pairama Tahere, Oneroa Pihema (deceased), Fiona Reihana Ruka, Hinerangi Puru (deceased), Kyrke Watkins (deceased), Ellen Toki (deceased) on behalf of a collective of Hokianga whanau and hapu, including Te Hikutu, Te Ihutai, Te Uri o Te Aho, Kohatutaka, Ngāti Kiore, Te Ihutai ki Orira, Patutoka, Ngāti Te Reinga, Te Mahurehure, Te Uri Kaiwhare, Ngāti Pakau, Ngāti Pou, Te Rauwawe (“together the Claimants”).

*Procedural history*

2. Her Honour Judge Fox invited claimants to file a reply to the Crowns’ statement of position, should they wish to do so, by Friday 20 February.<sup>1</sup>
3. Counsel filed a Memorandum on behalf of the claimants on Friday 20 February. Counsel has since been notified of one typographical error.<sup>2</sup> Counsel has updated the Memorandum and seeks leave from the Tribunal to replace the document filed on 20 February with this Memorandum. Counsel apologises to the parties for any inconvenience caused should leave be granted.

*Reply to the Crown Statement of Position*

4. Counsel is instructed to provide the following response to the Crowns Statement of Position. The claimants wish to include the following

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<sup>1</sup> *Waitangi Tribunal* Communication from the Registrar dated 13 February 2026.

<sup>2</sup> *Waitangi Tribunal* Wai 3300 Wai 2710 Reply to the Crown Statement of Position at 6.

additions to the claimant position as described in paragraphs 42 – 52 of the Crown's Statement of Position.<sup>3</sup>

- a. Mana Motuhake includes enduring mana, credible status, and intrinsic well-being including the acknowledgement of Māori as equals.
- b. Rangatiratanga includes ultimate authority, self-determination and operating independently.
- c. Tikanga is the first law of Aotearoa and dictates Māori practices and protocols relating to territorial authority. Tikanga in a literal sense means how people and parties are identified and acknowledged, how communication takes place, and how authority is shared and managed.

*Legitimacy and treason*

- d. Within a constitutional context, treason occurs when the Crown assumes sovereignty, over-prosecutes and criminalises Māori resistance to unlawful authority, confiscates land and resources without lawful authority to do so, and rewrites constitutional reality through its own institutions. The Crown has committed constitutional violations against Māori as the indigenous sovereign first nation people of Aotearoa.
5. The claimant's position as summarised in the Crown Statement of Position, fails to acknowledge the distinctive nature of the claimants in that Ngāpuhi have not settled with the Crown. The current constitutional arrangements are built on assumed sovereignty and are therefore illegitimate.

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<sup>3</sup> *Waitangi Tribunal* Crown Statement of Position following wananga a-rohe (Wai 3300, B14(c)) at 42.

6. At paragraph 23 of the Crowns Statement of Position, the Crown states that it has various relationships with Māori, but it is unclear who, and whether that includes all Māori or excludes some.<sup>4</sup>
7. At paragraph 56 of the Crowns Statement of Position, the Crown states that the intersection of tikanga with constitutional arrangements is not straightforward...tikanga values may be difficult to reconcile with constitutional principles.<sup>5</sup> It is not clear why the intersection of tikanga with constitutional arrangements is not straightforward and the Crown does not justify its position.
8. The Crown in the presentation of their Statement of Position discussed how treaty settlements to date have provided for the exercise of tino rangatiratanga.<sup>6</sup> The claimants require clarification from the Crown as to the relationship between settlement legislation and the right to determine or make constitutional decisions. Ngāpuhi haven't settled with the Crown and therefore, it is Ngāpuhi who have the right to determine and make their own constitutional decisions under He Whakaputanga me te Tiriti o Waitangi as the founding constitutional documents of Aotearoa.

DATED at Kaikohe this 26<sup>th</sup> day of February 2026



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**Daniel Watkins**

Claimant Counsel

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**Manawa Johnson**

Claimant Counsel

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<sup>4</sup> *Waitangi Tribunal* Crown Statement of Position following wananga a-rohe (Wai 3300, B14(c)) at 23.

<sup>5</sup> *Waitangi Tribunal* Crown Statement of Position following wananga a-rohe (Wai 3300, B14(c)) at 56.

<sup>6</sup> *Waitangi Tribunal* Wai 3300 Constitution Crown Statement of Position (AVL) at [1.10.04].