I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI **Wai 3565**
IN THE WAITANGI TRIBUNAL **Wai 2389**

In the Matter	of the Treaty of Waitangi Act 1975
And	
In the Matter	of the Te Tinihanga o Ngā Mātāpono o Te Tiriti – the Treaty Principles Reform Urgent Inquiry (Wai 3565)
And	
In the Matter	of a claim by the late Tahua Murray, the late Rapine Hone, the late Louis Hohaia, the late Charlie Hikuwai, the late Mereihe Kool, Kawhena Paul, Jhanitra Rhesa Gavala, Christina (Kiri) Batty and Melanie Joy Beauchamp on behalf of themselves and Ngāti Ruamahue (Wai 2389)

BRIEF OF EVIDENCE OF KAWHENA PAUL

Dated 18 May 2026

RECEIVED
Waitangi Tribunal
19 May 26
Ministry of Justice
WELLINGTON

Mahony Horner Lawyers
Counsel: Rox Soriano / Dr Bryan Gilling / Richard Gayfer
PO Box 24515
Wellington 6142
04 974 4036 / 04 974 4028 / 04 974 4206
rox.soriano@mhlaw.co.nz / bryan.gilling@mhlaw.co.nz /
richard.gayfer@mhlaw.co.nz

TĒNĀ E TE TARAIPIUNARA
MAY IT PLEASE THE TRIBUNAL

1. My name is Kawhena Paul. I am a named claimant for the Wai 2389 claim brought on behalf of my whānau who whakapapa to Ngāti Ruamahue. Our claim has participated and is participating in a number of Waitangi Tribunal Inquiries, advocating for our whānau, hapū and iwi rights, including in the Wai 1040 District Inquiry. I last presented at the Wai 3300 Kaupapa Inquiry about what te Tiriti o Waitangi means to us.

2. We respectfully oppose any proposal to diminish the significance of te Tiriti o Waitangi in relation to our claim. Such a proposal would not constitute a neutral administrative adjustment; rather, it would represent a direct departure from the Crown's obligations under te Tiriti, particularly the duties of active protection and equity.

3. To weaken the role of te Tiriti in this context would perpetuate and intensify the longstanding and severe disparities already experienced by my whānau, and especially Ngāti Ruamahue wāhine Māori, including in health, education, and exposure to violence. The statistics speak for themselves, especially for us in Te Tai Tokerau. For wāhine Māori this will cost lives. Māori life expectancy is already around 75.8 years compared with 82.8 years for Pākehā. This is a seven-year gap. Māori have significantly higher rates of cancer and cardiovascular disease and are more than twice as likely to die from heart disease than non-Māori.

4. These inequities are not abstract, or just numbers. It is lived within my whānau. In truth, our experience is even worse than these statistics. Of the four daughters born to Nellie Paora and Maru Paora, two of my sisters died in their sixties from cancer and one died at 70 from heart disease. Our mother, Nellie Paora, died at 72 from a stroke. This is the reality of inequity for us. These are our wāhine, my sisters, my whānau, and they could be my daughters, my nieces, and my mokopuna in the future; if Te Tiriti responsibilities are reduced.

5. These inequities are not incidental; they are the result of sustained policies, legislative frameworks, institutional practices, and omissions that have

historically privileged a Pākehā-centred system while undermining the mana, rangatiratanga, and wellbeing of Māori as tangata whenua and kaitiaki.

6. These outcomes are both preventable and unacceptable; they reflect a systemic failure to honour te Tiriti, with our whānau being one of many bearing the consequences. Weakening te Tiriti by weakening the mechanisms by which we can hold the Crown accountable will entrench these inequities even further and worsen outcomes for wāhine Māori.

7. I also oppose any attempt to dilute, redefine, or reduce the Crown's obligations under Te Tiriti o Waitangi because of the direct and intergenerational prejudice our whānau has experienced as a result of those obligations not being upheld. Our lived reality demonstrates that when Te Tiriti is not honoured in full, Māori bear the consequences.

8. Within our whānau, only a small number of wāhine have accessed tertiary education. This is not due to a lack of aspiration, but the result of systemic barriers, inequitable access, and sustained Crown failure to ensure fair and adequate education pathways. These outcomes are the product of policy choices and underinvestment that have limited our ability to succeed across generations. Our whānau experience is clear evidence of the cumulative impact of those failures.

9. We are a privileged whānau in that we have at least have some tertiary-educated tamariki who do their best in their own ways to advocate for our rights under te Tiriti. This road they are on continues to be a difficult journey, fraught with putting their Māoritanga at risk at every turn when trying to work within the confines of te ture Pākehā. The little rights we are afforded under various legislation is our only safeguard to these rights, the only way we can exercise our tino rangatiratanga, since our Te Tai Tokerau iwi has not yet reached a settlement agreement with the Crown.

10. We oppose any reduction in Te Tiriti obligations because, as a whānau, we are actively seeking for our mokopuna to access kaupapa Māori and Māori-medium education as a pathway that was largely denied to our own generation. We see these pathways as critical to restoring our language, our

identity, and the mana of our tamariki, and to nurturing future leaders grounded in tikanga Māori. However, despite their importance, these pathways remain under-resourced, constrained, and fragile, with broken provision and limited progression opportunities. This directly undermines our ability to realise the aspirations we now hold for our mokopuna. Any reduction in Te Tiriti obligations would further weaken these already vulnerable pathways and entrench the inequities we are trying to overcome.

11. At the same time, we expect that our tamariki will be able to access high-quality teaching in English-medium settings that supports Māori success as Māori. This is not consistently the case. Our whānau experience shows that the system continues to fall short in delivering equitable and culturally responsive education across all settings. Our tamariki should not have to choose between their identity and their educational success, yet this remains a reality for many of our whānau.

12. We oppose any weakening of Te Tiriti obligations because our whānau continue to face practical barriers that restrict access to education. These include geographic limitations that prevent us from living on and returning to our whenua while accessing quality education, and financial barriers that constrain participation in both schooling and tertiary pathways. We want our tamariki to be able to choose education pathways that reflect their aspirations (whether kaupapa Māori, Māori-medium, or English-medium) but that choice is not currently available in any equitable sense.

13. The principle of equity, as recognised in te Tiriti jurisprudence, requires more than equal treatment. It demands deliberate and sustained action to address entrenched disadvantage and to achieve equitable outcomes. Any approach that diminishes the significance of te Tiriti fails to meet this standard and cannot reasonably be said to restore balance. Instead, it leaves intact the structural conditions that have produced current inequities and reinforces patterns of disadvantage.

14. In this light, the Crown's proposed approach risks continuing and entrenching colonial dynamics that te Tiriti itself was intended to address and redress. Upholding the full significance of te Tiriti is therefore essential,

not only to meet legal and moral obligations, but to ensure that the rights, status, and wellbeing of wāhine Māori, particularly Ngāti Ruamahue wāhine Māori and their whānau, are properly recognised and protected.

15. Our whānau have already paid the price of the Crown's failure to uphold Te Tiriti. Without stronger, not weaker, commitment to those obligations, our mokopuna will continue to experience the same inequities. For this reason, we say that any move to reduce those obligations will perpetuate and deepen the prejudice we already face. The Crown must instead be held to its full responsibilities: to ensure equitable access to all education pathways, to remove barriers to participation, and to deliver equitable and excellent outcomes for our tamariki and mokopuna.

Dated at Kāeo this 18th day of May 2026

_____

Kawhena Paul
Claimant for Wai 2389