

# THE PROPRIETORS OF TAHEKE 8C & ADJOINING BLOCKS (INC)



21 January 2016

## POSITION STATEMENT REGARDING THE TRANS-PACIFIC PARTNERSHIP AGREEMENT

We the Committee of Management of the Proprietors of Taheke 8C & Adjoining Blocks Incorporation ("Taheke 8C") submit this Position Statement on behalf of the owners and shareholders of our land.

Taheke 8C was incorporated in 1954 by Order of Incorporation issued by the Maori Land Court pursuant to Rule 81 of the Maori Land Act 1931. Taheke 8C is located approximately 20 minutes north east of Rotorua on SH33. The area is known as Okere Falls and our lands lie adjacent to the Okere/Kaituna River. The total land administered by the incorporation is approximately 1193ha.

The incorporation maintains a register of shareholders in accordance with the Te Ture Whenua Maori Act 1993 and the Maori Land Court. There are currently 1006 shareholders holding 50,611 shares in total.

Taheke 8C is Mana Whenua and Kaitiaki of our lands hence the Committee of Management of Taheke 8C is the governing body and guardian of our land. Since 1954 successive committees have ensured that the incorporation has met and continues to meet the cultural responsibilities and obligations inherent in Te Ao Maori and the laws and regulations imposed upon us by successive Westminster System Parliamentary Governments.

Taheke 8C hereby notifies the current National Government ("the Crown") of Aotearoa/New Zealand that we:

- **OPPOSE** the Trans-Pacific Partnership Agreement;
- **OPPOSE** the signing of this agreement;
- **OPPOSE** the implementation of the domestic approval process that will result in the alignment of Aotearoa/New Zealand legislation with the Trans-Pacific Partnership Agreement a pre-requisite to the enforcement of this agreement.

Our **OPPOSITION** is based on our contention that the Crown has breached not only its obligations under the Tiriti o Waitangi and the Principles of the Treaty of Waitangi but also the fundamental tenant of Parliamentary Supremacy as follows:

- In our view the Crown has breached the implied Partnership Principle inherent in the duty to act reasonably, honourably and in good faith toward its Treaty partner, i.e., ngā iwi Maori.
- The government did not consult with ngā iwi Maori at any time during the negotiations of the Trans-Pacific Partnership Agreement thereby breaching the Crown's legal obligation to act reasonably, honourably and in good faith. By so doing, the Crown denied Maori the opportunity to make an informed decision regarding supporting or opposing this agreement. In our view this breach is exacerbated by the importance of the issue in question.

- To publish the text in regard to the Treaty in Chapter 29 “Exceptions and general provisions” (New Zealand Herald, Thursday, 21 January 2016) in a manner that implies that Maori have nothing to worry about because the Crown has looked after Maori interests including “the fulfilment of its obligations under the Treaty of Waitangi” is, in our opinion, misleading. Especially as it is doubtful whether this “exception” is applicable to “trade in goods and services” as such general exceptions do not apply to the investment chapter (art 29.1). (TPPA: Chapter 9 on Investment, Amokura Kawharu).
- Additionally we contend that the Treaty of Waitangi exception included in the agreement provides no guarantee of protection. In our view the wording of the exception is weak and open to interpretation and challenge.
- In our view, by signing this agreement and implementing the domestic approval process that will realign Aotearoa/New Zealand legislation with this agreement with the aim of binding not only the existing government but successive governments breaches the fundamental tenant of Parliamentary Supremacy upon which the Westminster System of Parliamentary Government is premised – i.e., one government cannot bind another.

Taheke 8C **OPPOSES** this Trans-Pacific Partnership Agreement that ostensibly seeks to cede ngā iwi Maori Sovereignty and Mana Whenua to another such as the United States of America. This outcome is clearly evident in President Obama’s 2015 State of the Union speech as follows:

*“... Fortunately, there is a smarter approach, a patient and disciplined strategy that uses every element of our national power. It says America will always act, alone if necessary, to protect our people and our allies; but on issues of global concern, we will mobilize the world to work with us, and make sure other countries pull their own weight.*

*... That’s how we forged a Trans-Pacific Partnership to open markets, and protect workers and the environment, and advance American leadership in Asia. It cuts 18,000 taxes on products made in America, which will then support more good jobs here in America. **With TPP, China does not set the rules in that region, we do. You want to show our strength in this new century? Approve this agreement. Give us the tools to enforce it. It’s the right thing to do.**”*

The issue of Sovereignty has been the topic of years long debate in fact since te Tiriti o Waitangi was signed and while there are differing opinions on whether Maori ceded sovereignty to the British, Taheke 8C is very clear that we a Maori Land Incorporation will never support the cession of our Sovereignty and Mana Whenua to any other nation or allow such other nation to “**set the rules** by which we as Maori operate” whether it be the United States of America or China or any other nation state.


Hence, to be crystal clear, Taheke 8C **OPPOSES** this trans-national corporate give away that is the Trans-Pacific Partnership Agreement in its **entirety**.


Unfortunately Taheke 8C must accept that despite mounting opposition to this agreement, the current National Government is determined to push ahead and sign it on 4<sup>th</sup> February 2016. Given this we request, indeed we demand, that the current National government:

- in collaboration with all Members of Parliament, relevant ministerial staff and Maori commence the development of Side Letters that will protect **absolutely** te Tiriti o Waitangi

and Treaty Principles in ALL chapters of the Trans-National "Partnership" Agreement; and that


- the current National Government OR any future government of Aotearoa/New Zealand HALT the implementation of the domestic approval process (at whatever stage it has reached) that will align Aotearoa/New Zealand legislation with the Trans-Pacific Partnership Agreement a pre-requisite to the ratification of this agreement.


Na:   
Tawhiri Morehu  
Chairperson

  
Carol Hackett  
Deputy Chairperson

  
Whetu Whata  
Committee Member

  
Atikini Taiatini  
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Tai Eru-Morehu  
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William Vercoe  
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