Are the Claims Treaty Breaches or Law Breaches?

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From Sir Apirana Ngata's statement made in 1922 when Minister of Native Affairs, "Some have said that these confiscations were wrong and they contravened the articles of the Treaty of Waitangi, but the chief's placed in the hands of the Queen of England, the Sovereignty and authority to make laws. Some sections of the Maori people violated that authority, war arose and blood was spilled. The law came into operation and land was taken in payment. This in itself is Maori custom – revenge – plunder to avenge a wrong. It was their chiefs who ceded that right to the Queen. The confiscations cannot therefore be objected to in the light of the Treaty". Sir Apirana was also a qualified lawyer with a M.A and LL.B.

Sir Apirana Ngata is correct when he states.

"The chiefs placed in the hands of the Queen of England, the Sovereignty and authority to make laws".

This was the sole purpose of the Tiriti o Waitangi that over 500 chiefs signed in 1840. The chief's ceded/gave up all parts of New Zealand to the Queen for her to form a legal Government to make laws.

"Some section of the Maori people violated that authority, war arose and blood was spilled".
Correct, various tribes breached the Queens laws and the Imperial Troops were brought in to enforce the law. Unfortunately, blood was spilled on both sides.

"The Law came into operation and land was taken in payment.

This in itself is Maori custom – revenge – plunder to avenge a wrong".

While the British did not plunder, they did confiscate land from those that breached the law.

"It was their chiefs who ceded that right to the Queen".

The chiefs ceded sovereignty to the Queen giving her the authority to make laws.

"The confiscations cannot therefore be objected to in the light of the Treaty".

The confiscation had nothing to do with the Tiriti o Waitangi, they were breaches of the law, which the majority of the chiefs gave the Queen the authority to make and enforce.

The alleged confiscations were not Treaty breaches, they were alleged breaches of the Queen's laws, therefore must be heard by the Court system where they are open to the public to present evidence, cross examine claimants and their researchers and if in doubt, appeal the findings. They should not be heard by the Maori only apartheid Waitangi Tribunal where non-Maori cannot participate, give evidence or appeal the findings.

Many past researchers and staff of the Waitangi Tribunal, including a past Chairman, Chief Judge Eddie Durie have admitted researches have falsified evidence, omitted evidence not helpful to the claim and only being paid if they write a report in favour of the claim. This would never happen if a Court heard these claims, the claimants and their researchers would be held accountable.

The Waitangi Tribunal also bases its findings on the Fourth Labour Government's "Five Principles for Crown Action on the Treaty of Waitangi", but if "the confiscations cannot be objected to in the light of the Treaty", then why is the

Tribunal using the Treaty or the Principles as a base for its finding. In fact, why do we have a Waitangi Tribunal hearing these alleged claims when the Minister of Native Affairs, Sir Apirana Ngata, a fully qualified lawyer found in 1922, they were breaches of the law and not the Treaty, therefore a legal matter of law for the Courts, not a apartheid Tribunal?

All alleged grievances are justice issues and should be heard in a Court of Law where the standards of evidence are upheld and the law applies equally to all.

The End. (c)

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