**Important Extracts**

**From the Treaty of Waitangi**

The Article the Second: “Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undistributed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

The Article the Second is prime source of reference in matters relating to New Zealand Constitutional Law and Indigenous Land rights. It was the initial assertion to the Maori by the Crown that they would retain ownership of their lands. As history shows though this did not stand, particularly after the Wi Parata case where Prendergast CJ dismissed the Treaty of Waitangi making this article invalid. After the invalidation of the Treaty of Waitangi, Indigenous Land rights were largely ignored by Colonial Europeans who begun acquiring Maori Land in vast amounts. The Maori translation of the Article the Second specifies Maori retention of their “Taonga” or treasures. “Taonga” is an important concept in Indigenous Land rights due to how broad a scope it encompasses. While a “Pakeha” understanding of Treasure, or “Taonga”, may refer to a somewhat materialistic view of things such as property and money, the Maori understanding of Treasure includes immaterial things such as children, mana and whakapapa.

**United Nations Declaration of Rights of Indigenous People**

Article 25: “Indigenous people have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

This article in the United Nations Declaration on the Rights of Indigenous Peoples specifies the right of Indigenous people to continue their bond with their lands and properties, including particularly coastal seas. For Maori this falls under the concept of Toanga, as in order to maintain a bond with their land they must have access to it, as all New Zealanders have physical access to beaches and coastal oceans. In order to strengthen that bond and ensure they uphold their responsibilities for future generations Maori must have control over the land so that they may make decisions on how the land is used and decisions relating to it. The mention of the land being previously owned by the indigenous people is important to Maori as prior to European acquisition of land in New Zealand, the Maori occupied the land and shared a close spiritual bond to the land.