

Charter of the Whanga-o-kena Council of Owners

*We the descendants of Wikiriwhi Matauru, Pineaha
Koia, Hape Haerewa, and Ripeka Tahuru, united for
the exercise of our tino rangatiratanga over
Whanga-o-kena*

Dated this

15th

day of

December

2007

PREAMBLE

WHILST ACKNOWLEDGING

- that Te Tiriti o Waitangi 1840 is the prevailing treaty between East Coast whanau and hapu, and Queen Victoria, and
- that Te Tiriti o Waitangi 1840 did not cede whanau and hapu sovereignty over the independent East Coast territory, and
- that Article II of Te Tiriti o Waitangi 1840 secured forever the right of the whanau and hapu to exercise te tino rangatiratanga over their lands, villages and taonga katoa, and
- that te tino rangatiratanga means the absolute unqualified exercise of chieftainship, and
- that the law of tikanga Maori retains its status as first law in Aotearoa (New Zealand), and
- that in 1901 the Native Land Court determined Wikiriwhi Matauru, Pineaha Koia, Hape Haerewa, and Ripeka Tahuru ('our Tipuna') as the owners of Whanga-o-kena (East Island), and
- that the mana whenua over Whanga-o-kena derives from our eponymous ancestor Ruawaipu, and
- that the mana whenua over Whanga-o-kena was retained by our Tipuna and has been passed down to us, and
- that the Queen's domestic administration usurped our mana over Whanga-o-kena and assumed ownership in violation of our treaty rights

AND WHILST FURTHER ACKNOWLEDGING

- the concern of the United Nations that we as indigenous peoples have suffered from historical injustices as a result of, inter alia, our colonisation and dispossession of our lands, territories and resources, thus preventing us from exercising, in particular, our right to development in accordance with our own needs and interests, and
- the recognition by the United Nations of the urgent need to respect and promote our rights affirmed in Te Tiriti, and
- the subsequent adoption by a majority of 144 states of the United Nations Declaration on the Rights of Indigenous Peoples ('DRIP') on 13 September 2007 that outlaws discrimination against us as indigenous peoples of Aotearoa and promotes our full and effective participation in all matters that concern us, and
- that DRIP proclaims, amongst other things, that we as indigenous peoples have the right to self-determination and to freely determine our economic, and social, development

WE THE DESCENDANTS OF WIKIRIWHI MATAURU, PINEAHA KOIA, HAPE HAEREW, AND RIPEKA TAHURU DETERMINED

- to exercise our rights as guaranteed by Te Tiriti o Waitangi 1840 and as declared by the United Nations, and
- to attain a full measure of te tino rangatiratanga over Whanga-o-kena, and
- to discharge our obligations to our Tipuna, and the future generations of descendants, as the rightful kaitiaki over Whanga-o-kena

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HAVE RESOLVED TO COMBINE OUR EFFORTS AND MANA TO ACCOMPLISH THESE AIMS

Accordingly, we the respective descendants of our Tipuna have agreed to the present Charter and do hereby establish this 15th day of December 2007, a Maori authority to be known hence forth as the Whanga-o-kena Council of Owners.

CHAPTER ONE

PURPOSE, FUNCTIONS, PRINCIPLES, AND POWERS OF THE WHANGA-O-KENA COUNCIL OF OWNERS

Article 1

The purpose and function of the Whanga-o-kena Council of Owners ('Council') is:

To exercise te tino rangatiratanga over Whanga-o-kena in a manner that best promotes the social advancement of the descendants ('the descendants') of Wikiriwhi Matauru, Pineaha Koia, Hape Harerewa, and Ripeka Tahuru.

Article 2

Council in pursuit of the purpose and function stated in Article 1 shall act in accordance with the following principles:

1. The principle that Whanga-o-kena is a taonga tuku iho of special significance to the descendants
2. The principle that tino rangatiratanga over Whanga-o-kena shall remain with the descendants forever
3. The principle that the use, and development of Whanga-o-kena by the descendants for the benefit of themselves and future descendant generations shall be encouraged
4. The principle that each member on Council, shall fulfil in good faith the obligations assumed by him or her in accordance with the present Charter
5. The principle that each member on Council shall give Council every assistance in any action it takes in accordance with the present Charter
6. The principle that decision making shall be as far as practicable consistent with tikanga Maori

THE POWERS OF COUNCIL

Article 3

1. Council may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any subsidiary organs provided for in the present Charter, and may make recommendations, give such directions, make such orders, proclamations, declarations or resolutions on any such questions as it sees fit.
2. In exercising its functions, nothing shall fetter the sovereign power of Council to strike down or invalidate any proclamation, law, ordinance, enactment, provision of any enactment, policy, practice, ordinance, or instruction of Queen Victoria or her agents, or her royal

M. Papeani

B. Peachey & S. Rickard

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successors, or her domestic administration including its Parliament and its institutions, that in Council's opinion undermines or threatens to undermine the fulfilment of its purpose.

3. Any proclamation, law, ordinance, enactment, provision of any enactment, policy, practice, ordinance, or instruction so struck down or invalidated under this Article shall have no application or validity in respect of matters pertaining to Whanga-o-kena.

COMPOSITION

Article 4

Council shall comprise of every descendant over the age of 18 years who consents to membership on Council.

VOTING

Article 5

1. Each member of Council shall have one vote.
2. Council resolutions shall be by consensus where possible but otherwise by a two-thirds majority of the members present and voting.
3. Council resolutions shall be registered with the secretariat and promulgated by it.

PROCEDURE

Article 6

1. Council shall meet as and when required upon the giving of reasonable notice by the secretary to Council members.
2. Where necessary, Council shall establish its own rules of procedure except that no rule of procedure shall deny any descendant from being heard by Council on any matter before it.

Article 7

1. Council meetings shall be convened by a convening panel comprising of one representative of each descendant whanau group appointed by each respective descendant whanau group either democratically or in accordance with custom.
2. Each descendant whanau group may substitute their representative to the convening panel from time to time and in such manner as that descendant whanau group deems just.
3. The Chair of the convening panel shall be rotated at each subsequent hui.

Article 8

Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER TWO

SUBSIDIARY ORGANS

Article 9

1. There are established as the subsidiary organs of Council:
 - The Whanga-o-kena Council of Owners Sub-Committee
 - A Secretariat

Article 10

Council shall place no restrictions on the eligibility of men and woman to participate in any capacity and under conditions of equality in its subsidiary organs.

CHAPTER THREE

THE WHANGA-O-KENA COUNCIL OF OWNERS SUB-COMMITTEE

COMPOSITION

Article 11

1. The Whanga-o-kena Council of Owners Sub-Committee ('the sub-committee') shall consist of 2 representatives of each of the four descendant whanau groups
2. Representatives on the sub-committee shall be appointed by each respective descendant whanau group either democratically or in accordance with custom.
3. Representatives on the sub-committee may be substituted from time to time by each descendant whanau group in such manner as the group exercising its discretion deems just.

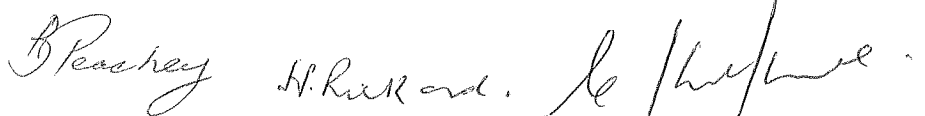
FUNCTIONS and POWERS

Article 12

1. The principal function of the sub-committee is to act as liaison between the Queen and her domestic administration and its officials, other persons or bodies, and Council.
2. The sub-committee is a recommendatory body only unless it is acting under express Council direction.
3. The sub-committee may convene as and when it deems necessary and may discuss any questions or any matters within the scope of the present Charter, and may make such recommendations to Council from time to time as it deems fit.

Article 13

The sub-committee shall submit periodic reports to Council; these reports shall include an account of sub-committee activities.



PROCEDURE

Article 14

The sub-committee shall develop and adopt sub-committee rules of procedure where necessary for ratification by Council. Unless agreement is reached to the contrary, the Chair shall be rotated at each subsequent meeting of the sub-committee.

CHAPTER FOUR

THE SECRETARIAT

COMPOSITION

Article 15

The Secretariat shall comprise a Secretary to be appointed by Council.

Article 16

The Secretary shall act in that capacity in all meetings of Council, and the sub-committee.

CHAPTER FIVE

MISCELLANEOUS PROVISIONS

Article 17

Every agreement entered into by Council after the present Charter comes into force shall as soon as practicable be registered with the Secretariat and promulgated by it.

CHAPTER SIX

AMENDMENTS

Article 18

Amendments to the present Charter may be made by Council in accordance with the general rules for the passing of resolutions except no amendment shall compromise the right of any descendant to be heard.

CHAPTER SEVEN

RATIFICATION AND SIGNATURE

Article 19

1. The present Charter shall be ratified by the descendants of our Tipuna either democratically or in accordance with custom.
2. Each descendant whanau group shall appoint one representative signatory either democratically or in accordance with custom.
3. The present Charter shall come into force upon its ratification by the descendants and its subsequent signing by each descendant whanau group through its respective representative signatory.
4. Council shall cause the promulgation of the present Charter to Queen Elizabeth II and the head of her domestic administration in New Zealand as soon as practicable after its coming into force.

1. Billy Peachee B Peachee
 (Print name) (signature)

On behalf of the descendants of Wikiriwhi Matauru

2. MEHUA-ITERANGI PAPUNI dR
 (Print name) (signature)

On behalf of the descendants of Pineaha Koia

3. HineMandhiri Rickard, H. Rickard
 (Print name) (signature)

On behalf of the descendants of Hape Haerewa

4. Carol Kerekere C Kerekere
 (Print name) (signature)

On behalf of the descendants of Ripeka Tahuru

Dated at Gisborne this 15th day of December 2007