



Te Rūnanga o NGĀI TAHU

KOIWI TANGATA

*Te Wawata o Ngāi Tahu e pa ana
ki Ngā Tāoka Koiwi
o Ngā Tupuna*
The Policy of Ngāi Tahu Concerning the
Human Remains of our Ancestors

Issued By:

Date Issued: June 1993

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1 Introduction

1.1 Policy on Human Remains

1.1.1 About this Document

The issue of koiwi tangata has never been an easy one to approach. Nonetheless, at the request of the annual tribal hui, held in 1991 at Tuahiwi Marae, Te Rūnanganui o Tahu established a committee to investigate how the iwi would manage the bones of our tipuna that all too often are found in eroding burial sites or in museum type collections.

This policy addresses the issue of the management of koiwi tangata.

2 Policies

2.1 Treaty of Waitangi

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| 2.1.1 | Rights to Management of Human Remains | The only group of people who have the right to manage the human remains identified below is the tribal authority of Ngāi Tahu Whānui because the remains are the physical manifestation of our whakapapa and we are the inheritors of the culture. Ngāi Tahu holds tino rangatiratanga over the remains existing or taken from our tribal rohe, having never relinquished that tino rangatiratanga which is assured to us by the Article 2 of the Treaty of Waitangi (see Appendix 1). |
| 2.1.2 | Implementation of this Policy | In the course of history some of our koiwi tangata have been removed from our tribal area and beyond our kaitiakitanga. The implementation of this policy must ensure the return of any of our koiwi tangata to our kaitiakitanga and to a location within our tribal rohe. |
| 2.1.3 | Preferences | Ngāi Tahu Whānui has a clear preference that wherever possible koiwi tangata in situ should not be disturbed and that the integrity of the burial remains intact. |
| 2.1.4 | Insensitivity to Collection of Koiwi Tangata | Ngāi Tahu Whānui recognises that in the course of history numerous of our koiwi tangata have been removed from burials and have found their way into public, and possibly private, collections. The iwi considers the collection and possession of our koiwi tangata by anyone other than ourselves is abhorrent and culturally insensitive in the extreme. |
| 2.1.5 | Developing Procedures | When developing procedural guidelines the tribe will do so in consultation with the relevant parties including the New Zealand Police, the New Zealand Archaeological Association, the New Zealand Historic Places Trust, and regional and district authorities. |

2.2 United Nation International Instruments

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| 2.2.1 | Specific Relevance | (a) Articles 1 of both the Covenant on Civil and Political Rights and the covenant on Economic, Social and Cultural Rights (see Appendix 2). |
| | | (b) Article 27 of the Covenant on Civil and Political Rights (see Appendix 3). |
| | | (c) Operative paragraph 9 of the Draft Declaration on the Rights of Indigenous People (see Appendix 4) should also be considered. |

2.3 Statement of Jurisdiction

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|-------|---|--|
| 2.3.1 | This Policy | This policy refers to koiwi tangata in which the identity of the remains and circumstances of burial are unknown. |
| 2.3.2 | New Zealand Law on Human Remains | Ngāi Tahu Whānui notes that under New Zealand law it is not possible to own human remains. However, we do consider ourselves however to be the sole group who can legitimately exercise kaitiakitanga of koiwi tangata in, or originally from, our rohe. |

2.3.3 Ngāi Tahu Rohe Potae	This policy is effective with regard to all koiwi tangata in, or originally from within our rohe potae, as that which was presented by the Ngāi Tahu Māori Trust Board to the Waitangi Tribunal and reconfirmed by the Privy Council, London, 1991.
2.3.4 Definition of Koiwi Tangata	For the purposes of this policy koiwi tangata shall be deemed to be any remains of a Māori person that do not show signs of having been turned into, or incorporated into an artefact.
2.3.5 Application of this Policy	This policy applies to all koiwi tangata that are in, or derived from our rohe, including those currently in situ, and those in medical, museum or private collections. The iwi intends that this policy will be effective with regard to institutions and individuals, both within and outside of our rohe potae.
2.3.6 Who Policy Applies To	Ngāi Tahu Whānui consider that the policy should apply equally to any remains of Polynesian people for which no locality or origin is known, held at any museum or similar institution within our tribal rohe, until such time as information can be provided to soundly demonstrate that those bones are not koiwi tangata of Ngāi Tahu Whānui.
2.3.7 Disclaimer on Koiwi Tangata	Ngāi Tahu Whānui does not claim rangatiratanga over koiwi tangata from or in any region that is no longer within its rohe. Although such remains may be those of tupuna of our constituent iwi, we maintain that such remains are under the rangatiratanga of the present day manawhenua of any such region. As an example, we do not lay claim to what may be Waitaha, Ngāti Mamoe or Ngāi Tahu bones, of any age, that are in the Wellington or the Marlborough Sounds region.

2.4 How Authority is to be Exercised

2.4.1 Koiwi Tangata Not in Situ	Where the koiwi tangata are not in situ, Ngāi Tahu Whānui will call for the repatriation to the iwi of those remains that fall under its Rangatiratanga.
2.4.2 Creation / Designation of Urupā	It is recommended that Te Rūnanganui o Tahu will, in consultation with individual Rūnanga, designate or create urupa into which koiwi tangata requiring reburial may be interred.
2.4.3 Register of Koiwi Tangata	Te Rūnanganui o Tahu will maintain a register of human remains unearthed within its rohe, showing the place, date of discovery and action taken including the reburial site.
2.4.4 Museums holding Koiwi Tangata	The iwi will negotiate the arrangement of secure keeping places of koiwi tangata within existing museums.
2.4.5 Ngāi Tahu Tikanga	It is the tribal intention that any dealings with koiwi tangata and their burial sites be taken under the direction of people of Ngāi Tahu Whānui descent and in accordance with the appropriate tikanga.
2.4.6 Kaitiaki Rūnanga	Koiwi tangata which can be provenanced to within a Rūnanga rohe should be dealt with by the kaitiaki Rūnanga.
2.4.7 Collective Rūnanga	Provincial, and remains with a wider provenance, should be dealt with by the collective Rūnanga concerned.

2.4.8	Unlocalised Remains	Unlocalised remains should be dealt with by the Rūnanga who hold kaitiakitanga over that rohe.
2.4.9	Koiwi Tangata Unearthed	Once it has been established that the remains are Māori and that immediate reburial is the preferred option, this responsibility will be under the kaitiakitanga of the individual Rūnanga.
2.4.10	Reburial of Koiwi Tangata	Where removal of koiwi tangata to a keeping place is the preferred option, then eventual reburial would operate as in Policy 2.3.
2.4.11	Removal of Koiwi Tangata	Koiwi tangata may be removed to a safe keeping place pending scientific investigations.
2.4.12	Koiwi Tangata Held in Collections	In respect of koiwi tangata currently held in collections and where reburial is the preferred option, this will operate in Policy 2.3.
2.4.13	Public & Private Collections	Public and private collections of koiwi tangata will be removed to the designated keeping places pending further action.

2.5 Scientific Investigation

2.5.1	NZ Police	Ngāi Tahu Whānui recognises the need of the New Zealand Police to use koiwi tangata as reference collections for the purposes of forensic inquiry.
2.5.2	Scholarly Investigation of Koiwi Tangata	Ngāi Tahu Whānui recognises that scholarly investigation of koiwi tangata can further an understanding of our tupuna and recognises appropriate research in this area as a legitimate scientific interest.
2.5.3	Authority on Information & Data	Ngāi Tahu Whānui will exercise the same authority and kaitiakitanga over information and data derived from such scholarly investigation as it does for the physical koiwi tangata.
2.5.4	Declaration on Scientific & Technological Progress	The declaration on use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (<i>Appendix 5</i>) affirms the rights of peoples to self determination and the need to respect human rights and freedoms and the dignity of the human person in the conditions of scientific and technological process. Ngāi Tahu sees this affirmation as desirable.
2.5.5	Edit Information from Scientific Research	In the event of allowing research, Ngāi Tahu Whānui reserves the right to consider and edit for reasons of cultural sensitivity any material proposed for publication or other public information, including drawings, photos or other forms of record.
2.5.6	Advisory Committee	Te Rūnanganui o Tahu will establish an advisory committee, whose role will be to vet applications from researchers for study of koiwi tangata, and to gather such information as to enable Te Rūnanganui o Tahu to make decisions. The advisory committee to consist of no less than four appropriate people.

2.5.7 Applications

Applications are to be dealt with by the advisory committee, who will make a recommendation and pass the matter to Te Rūnanganui o Tahu, who upon consideration will forward with comment the application to the relevant Rūnanga, from where it will return to Te Rūnanganui o Tahu for a final decision, and advice to the applicant.

2.5.8 Standard Form

Te Rūnanganui o Tahu will provide a standard form which will require details of applicants scientific procedures, financial and institutional supports, research experience and qualifications, details of destructive techniques if any to be used, the nature of the study and the expected benefit of the study.

APPENDIX I

1.1 Preamble to the Treaty of Waitangi, Official English Version

1.1.1 Treaty of Waitangi

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands. Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the Native population and Her subjects has been graciously pleased to empower and authorise me WILLIAM HOBSON a Captain in Her Majesty's Royal Navy Consul and Lieutenant – Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the Confederated and Independent Chiefs of New Zealand to concur in the following Articles and Conditions

1.2 English Version of the Treaty's Three Articles

1.2.1 First Article

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

1.2.2 Second Article

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 undisturbed possession of their Lands and Estate 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 Pre-emption 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.

1.2.3 Third Article

In consideration thereof of Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

1.3 Translation of Māori Version (Professor Sir Hugh Kawharu)

1.3.1 **First Article** The chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

1.3.2 **Second Article** The Queen of England agrees to protect the Chiefs, the Subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

1.3.3 **Third Article** For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand (ie the Māori) and will give them the same rights and duties of citizenship as the people of England.

1.4 Māori Version of the Three Articles

1.4.1 **Ko te Tuatahi** Ko nga TaNgātira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te kuini o Ingarangi ake tonu atu te Kawanatanga katoa o o ratou wenua.

1.4.2 **Ko te Tuarua** Ko te Kuini o Ingarangi ka wakarite ka wakaae ki nga Rangatira ki nga hapu ki nga tangata katoa o Nu Tirani te tino Rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te kuini te hokonga o era whi wenua e pai ai te tangata nona te wenua o ki te ritenga o te utu e wakaritea ai e ratou ko to kai hoko e maeatia nei e te kuini hei kai hoko mona.

1.4.3 **Ko te Tuatoru** Hei wakaritenga mai hoki tenei mo te wakaaetanga ke te Kawangatanga o te Kuini – Ka tiakina e te kuini o Ingarangi nga tangata Māori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarangi.

APPENDIX II

2.1 International Covenant on Civil Political Right - Article 1

- 2.1.1 Self
Determination
- All people have the right of self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
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APPENDIX III

3.1 Article 27

3.1.1 Indigenous Minorities

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.



APPENDIX IV

4.1 Operative Paragraph 9 Draft on the Rights of Indigenous People

4.1.1 Indigenous Peoples Rights

Indigenous peoples have the right to manifest, practice and teach their own spiritual and religious traditions, customs and ceremonies, the right to maintain, protect, and have access in privacy to religious and cultural sites, the right to the use and control of ceremonial objects, and the right to the repatriation of human remains.

APPENDIX V

5.1 47 Declaration on the use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind

- 5.1.1 **Determent of Human rights** All States (includes the New Zealand Government) shall take effective measures, to prevent and preclude the utilisation of scientific and technological achievements to the determent of human rights and fundamental freedoms and the dignity of the human person.
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