

## **SUBMISSION FROM THE MĀORI SPECTRUM COALITION ON THE RADIO SPECTRUM AND 5G FREQUENCY ALLOCATION**

Tēnā koutou katoa.

This submission is from the Māori Spectrum Coalition which was active and participated in the Joint Working Group with the Crown on the 4G auction. It also has as members iwi and rōpū who were the claimants in the FM (Wai 150) and 3G (Wai 776) Waitangi Tribunal claims.

These include:

The New Zealand Māori Council  
Ngā Kaiwhakapūmau i te Reo (Inc)  
Ngāti Raukawa ki te Tonga  
Members of the Iwi Chairs Forum  
Claimants in Wai 776  
Te Huarahi Tika Trust

Members have to hand the document entitled *'Preparing for 5G in New Zealand, Discussion Document, March 2018'* and recently held a hui with representatives from across the country, to discuss its contents and adopt a position on its invitation to submit comment and answers to questions. The coalition notes that the document says the government will be considering the Crown's Treaty of Waitangi obligations as part of its decision-making, and intends to engage with Māori about those issues.

### **TE TIRITI O WAITANGI**

Article 2 of the Treaty of Waitangi creates a unique set of protections for all Māori-owned resources and taonga, intangible and tangible, in Aotearoa/New Zealand: -

'Ko te tuarua

Ko te Kuini o Ingarani 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 wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona'.

A recent translation offered by Te Ara encyclopaedia of Article two follows:

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'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’.

The Waitangi Tribunal has determined in its Wai 150 and Wai 776 reports that the radio spectrum is one of the taonga guaranteed to Māori under Article 2, over which Māori exercise ‘unqualified chieftainship’ which includes ownership. The spectrum auctions which have been conducted since 1990 in Aotearoa have contravened Article 2 of the Treaty, and the proposed auctions and allocations by the Crown for the various bands to be used for 5G will be no different.

We attach a further document prepared in July 2012 by this coalition, entitled ‘Statement of Position, Spectrum July 31, 2012’, which further sets out the Māori position. The Coalition looks forward to discussing these matters with the Crown and to progress on the issues.

Emeritus Professor Whatarangi Winiata on behalf of  
The Spectrum Coalition  
30 April 2018