

**BEFORE THE WAITANGI TRIBUNAL
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**

**WAI 1040
WAI 1665**

IN THE MATTER OF section 6 of the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Te Paparahi o Te Raki Inquiry - Wai 1040

AND

IN THE MATTER OF a claim by Renata Tane, Eruera Taurua, Hirihiri Parata, Moko Ututaonga and Pauline Wynyard on behalf of Ngāti Kawa and Ngāti Rahiri

SUMMARY OF BRIEF OF EVIDENCE OF DR MERATA KAWHARU

Dated 18 July 2016



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Introduction

E aku kuia, e nga kaumātua, te hau kainga o Ngāti Rahiri me Ngāti Kawa, nei ra aku mihi nui ki a koutou.

E nga rangatira o te Tairapiunara, nga apiha o te Karauna, te iti me te rahi, tena koutou, tena koutou, a tena koutou katoa.

Ka hoki aku mahara ki a ratou kua hinga, E toku kaiako i te whare wananga, e Ranginui, ratou e iri nei i nga patu o te whare nei, e takoto mai na, nga amorangi, nga kahurangi, oku matua, Mum, e moe, e moe, e moe.

Otira, te hunga ora, kia ora mai tatou.

1. Four years ago, a hui of Ngāti Rāhiri and Ngāti Kawa asked if I would contribute to the hapū narrative of grievances against the Crown. I was honoured to have the opportunity to offer something towards that.
2. So in March 2013 I set out a whariki of key issues. These were issues that I have grown up with, but have also researched more formally as an academic with a background in social anthropology in New Zealand and in the UK. It was this whariki, or introduction that set the scene for discussing pre-treaty land arrangements which in our case has become post-treaty land loss.
3. The kōrero I discuss today elaborates and expands upon these *take*.
4. It might be said that this kaupapa has already been researched and conveyed before you, the Tribunal.
5. These details, however, have never been presented from our cultural and hapū perspective.
6. It might be asked, why should these details be put forward? The reasons begin like this. When you look at a hapū such as ours, one that once exercised mana and control over a key strategic area in the Bay of Islands, which then suffered loss of the vast majority of their lived lands, and before most other hapū nationwide, you begin to see and understand the ramifications of that loss - economically and culturally, and inter-generationally.

7. Once lands became assumed by people we believed were our allies or friends, or assumed by the Crown, we lost the ability to develop our land-based economy and prosper. It would take many many years to rebuild. But doing so from a position of deficit and loss has meant that the community has never fully recovered. This situation that has characterised our hapū for many years is in stark contrast to the wealth and control, and the entrepreneurship that Ngati Rahiri and Ngāti Kawa exercised in Waitangi and in surrounding areas in the years leading up to 1840.

8. This kōrero today serves not to repeat what historians have already covered. Instead, I take a different perspective, centralising arguments from a cultural values and community centric orientation so that the extent of significant loss can start to be more fully appreciated. A cultural values view also enables us to understand what was going on when our tūpuna – such as Hone Heke, Peia, Tuhirangi, Marupo, Te Kemara - engaged with missionaries, particularly Henry Williams, and others in land and social arrangements, i.e. tuku. It also enables us to appreciate the very significant problems of the land commission processes beginning in the 1840s. It was these Crown-initiated processes of which we were mere bystanders – if that at all – that ensured our lands would be alienated permanently. A cultural values perspective also enables us to see how throughout the decades following 1840, our voice would become irrelevant to a distant Crown and it would become silent in a growing Crown system of kawanatanga. Where we could say something, it was a much reduced voice, certainly not one of the former strength or mana of our forebears, but one that desperately tried to grasp onto much reduced areas or reserves, or one that tried to regain any of our former ancestral estate. Pleas and petitions however, went nowhere.

9. Our lands and people represented the front door by which the Crown established itself in this country. Our generosity to people like Williams who played a significant role in the Treaty making process, contributed to building the foundations for Te Tiriti/the Treaty. We welcomed them, we brought them into our community and we shared our land with them. It is incumbent upon us, the descendants of those tupuna, to ensure their story and perspective is understood.

10. Ka tū nei au, he uri o Peia, o Tuhirangi, mai i tōku Māmā a Freda Rankin Kawharu o Ngāti Rahiri me Ngāti Kawa. It is my privilege to be able to provide this kōrero today not, as I often am, as a purely technical witness, but for and on behalf of Ngāti Rahiri me Ngāti Kawa.

Ngā take

11. While the wider Bay of Islands region was undergoing significant cultural and economic change from the 1810s, that change was not at the level of kin values.
12. In the pre-Treaty period, systems of leadership and resource control within our hapū continued because they affirmed mana and identity. There was no reason for our whakapapa-defined system of exercising control – mana – and consideration of others – manaaki – to change or to be superceded by any other system. Hapū members recognised opportunities to engage with Pākehā ideas and processes (e.g. ‘deeds’) because they fitted in with current systems. From that basis, land ‘deeds’ were willingly accepted.
13. I broadly cover three themes in my evidence: (1) cultural values and relationships; (2) deeds/‘transactions’, 1840s commissions, reserves; and (3) hapū responses in the post-Treaty period.

PART 1 Ngāti Rahiri and Ngāti Kawa perspectives

a. The value of Pākehā

14. From a hapū point of view, Pākehā were invited and integrated into life on hapū terms (for example, incorporating families and children of claimants as ‘their own’). Ngāti Rahiri and Ngāti Kawa rangatira Te Kemara explained this well in relation to J Polack who had been gifted land inland from Waitangi at Haruru. Polack recalled:

“I necessarily became incorporated among the tribe, the actual interest constituting me a “tamaiti no na Nu Tilani [Niu Tirani]”, a child of New Zealanders.” (Polack in Stirling with Towers, 2007, p.58).

15. Pākehā were valuable. They were part of hapū developing their kete of resources and mana.

Tuku

16. With these ideas in mind, it made sense to enter into tuku. Stirling (with Towers, 2007, pp. 31-38) and others discuss tuku extensively. Similarly the Waitangi Tribunal has reported expansively on tuku, especially the Tribunal regarding the Muriwhenua claims. Following on from these views, my evidence extends those discussions and positions them specifically within a mana/manaaki value system in the Bay of Islands relating to Ngāti Rahiri and Ngāti Kawa. From the perspective of the mana/manaaki dynamic, which I explain further below, we can then consider issues such as reserves, ongoing tenure expectations, and the ‘positioning’ of Ngāti Rahiri and Ngāti Kawa following the Treaty signing in 1840 on land issues.
17. Talking past each other: What became clear, some years after Williams and my tupuna lived, was the extent of the talking past each other concerning land and the misunderstandings about what each were agreeing to at the time deeds were drawn up.
18. Co-living: But at the time Williams lived alongside my tupuna, they shared in each others’ lives and had mutual respect of one another. Heke even lived with the Williams family for a time. And as my mother wrote in the Dictionary of New Zealand biography, “Of the missionaries, Henry Williams had the greatest influence on him and was something of a father figure while Heke lived at Paihia. After Heke returned to Kaikohe in 1837, Williams continued to advise and counsel him.”
19. The developing close relationships between these two key people was part of the groundwork that foreshadowed the Tiriti/Treaty narrative in years to come where both played significant roles. But before 1840, Heke and his relatives saw something valuable in Henry Williams in this early period. He provided access to Pākehā things. He was ‘their Pākehā’. He was their strategic ally. And precisely because of these things, Henry Williams was able to live on their land (or purchase it, as he thought).
20. The deeds were essentially social agreements. They were opportunities to pursue, if not also advance, socio-economic outcomes for hapū and individual benefit (see also Stirling with Towers, 2007, p. 31).

21. So if we are to understand the reasons or approaches by local people to the land deeds when they were presented to them in the 1820s and 1830s, they should be considered within this broader context of opportunity maximisation (to advance wealth and wellbeing).

Deeds for individual and hapū benefit

22. In the process of engaging with Pākehā through the deeds, the mana of individuals was also recognised and bolstered, perhaps also vis a vis others within the hapū and/or other hapū.

23. It was not uncommon to receive multiple 'payments' or, rather ongoing recognition of mana in lands. An example concerns Busby's land at Waitangi, where Heke was paid again for wāhi tapu after having paid twice for the land before (Stirling draft, 2014, p. 39). Another rangatira of Ngāti Rahiri/Ngāti Kawa (and Matarahurahu), Marupo was also quick to point out that blankets given to him had worn out and so too had payment. Marupo then resumed occupation of the land (Stirling with Towers, 2007, p.105).

Recognising mana

24. Deeds may have been recorded in writing and within a Pākehā agenda from a Pākehā point of view. For Ngāti Kawa and Ngāti Rahiri, however, they were less interested in the written details and more interested in the terms just described. From their point of view, the deeds were a tangible expression of their culturally-framed expectations for recognising and enhancing mana at individual and hapū levels. The deeds, were therefore, entirely conducted on Māori terms. Nothing more, nothing less.

PART 2: Framing, deeds/ 'transactions', reserves, commissions

25. It is important to note also some comments about framing of discussions concerning what is often called the 'pre-Treaty land transaction' period. When discussing this period, it is important to be careful about the language we use and what we mean.

'Transactions'

26. From a hapū perspective, it is not completely right to characterise the pre-1840 1840 land claims by missionaries, the CMS and Busby as simply 'land

transactions' if we are describing something from a perspective or cultural value system that was not in fact simply about transacting land.

27. Yes, missionaries and Busby 'entered into transactions with hapū members', but if we refocus the discussion from the point of view of the hapū, we would not be talking about them entering into land transactions with Pākehā. To put it another way, when Marupo, Peia, Tuhirangi (and the brother of the latter two – Hone Heke) and others entered into discussions with Henry Williams, James Busby or others, they were not doing so with a limited view that centred on simply a land transaction as discussed above. Far more was tied up in the discussions.
28. Essentially, land was not 'transacted' from a Māori point of view. The inherent values tied up in the term 'transaction' are often economic and are concerned with concepts of buying and selling which as stated often enough through hearings and reports were not concepts that stem from a Māori worldview. If there was any transaction, it was the system of exchange and reciprocity of services, goods, resource use rights and other things that recognised the respective rights of the donor and donee. Land was just one part of the broader agreement that Māori expected that they were entering into.
29. Translating Māori values into English is difficult when words in te reo do not neatly match English language and culture values. In the case of these land circumstances between Ngāti Rahiri and Ngāti Kawa on the one hand and their Pākehā counterparts on the other in the pre-Treaty period, Māori understandings of what was happening when the deeds were written and when verbal discussions at the time were held centred on utu and tuku. For Pākehā their understandings of the deeds were about sale and purchase. These two contrasting perspectives go to the heart of the cultural misunderstandings that occurred between the players of this pre-1840 period.¹

¹ Henry Williams recognised in 1838 that after years of Māori entering into land agreements with Pākehā (not least himself, covering vast areas), he was concerned that their land was being lost (Fitzgerald, 2011, p. 284). This suggests that he recognised that Māori were either unaware of the loss and/or were approaching the deeds differently. His 'solution' was to hold land on their behalf and protect it. But continuing to enter into land deed arrangements with Māori was far from being a solution. Just the previous month Henry had acquired 2000 acres from Ngāti Rahiri and Ngāti Kawa. This and his other claimed large estates ultimately contributed to the loss that Henry said he was concerned about. Henry also explicitly claimed land for himself and his family (he may have erroneously thought that local Māori already had what they needed). The idea of holding in trust for the hapū did not therefore apply, or, if it did, it was secondary to his primary concern to provide for his 11 children (see also Ward, J. 2011, "Fact of Fiction? William Colenso's Authentic and Genuine History of the Signing of the Treaty of Waitangi." M.A. in History, Massey University, p. 74). Henry also noted that Māori "frequently enquire what course they are to take and are evidently alarmed at present movements" (Fitzgerald, 2011, p.284). He appears to recognise increasing concern amongst Māori about

30. The starting point, therefore, from a hapū perspective, is to look at the values that shaped their worldview. From there, we then look at how they saw what was happening. The broader and more comprehensive set of social and economic expectations can be summarised as comprising five key elements:

- a. Allow Pākehā resource use and occupation rights;
- b. Welcome Pākehā into hapū communities as strategic connectors to goods and services;
- c. Continue occupation and use of lands and resources by whānau collectives within the Ngāti Kawa and Ngāti Rahiri hapū;
- d. Receive recognition from Pākehā of hapū and individual mana in the land through taonga, kōrero or other (ongoing) presentation of tangible things (agricultural implements, clothes, blankets etc);
- e. Obtain access to Pākehā ways of doing things, Pākehā systems of education and Christianity where they were relevant to, and enhanced, existing ways of life.

31. So, were these 'deeds' transactions'? Partly so. Were they tukunga and utuutu? Entirely.

32. In conducting research for my Te Tiriti report,² the idea of tuku was put in simple terms (to me from my father; footnote p.124): "Tuku rangatira [was] an invitation to another group or individual to pick land (possibly the best places). It did not mean help yourself or that those who made the offer were giving up their rights or mana." Even where deeds were initiated or drawn up by Pākehā, they were approached from this standpoint.

Mana

33. Ngāti Rahiri and Ngāti Kawa were happy to allow Pākehā to live with them and to share in their land estate. That is all it was. It was a sharing of resource use (and obtaining Pākehā goods and services) while the mana remained with them. There was no way that they would have contemplated giving up their kāinga, cultivations and wāhi tapu. It is hard to image any community doing that anywhere.

changing circumstances and the impact that an increased European population would have on their modes of control and authority. Yet while concerns amongst local communities may have been simmering, it was still felt 'safe' to continue to engage in deeds on tuku bases.

² Wai 1040, #A20.

34. Tuku were not altruistic. They were firmly about enhancing existing ways of life. If anything, given the significance of these places to their economic and spiritual survival, hapū members accepted gifts for the same places more than once, as recognition of their value and importance. Similarly, where reserves were proposed in relation to hapū lands, they were accepted on the same value platform of the recognition of their economic or spiritual significance, which warranted protection, perhaps extra protection, and certainly recognition. These mechanisms complemented their own systems of protection (e.g. utilising force if needed or spiritual intervention).

Mana/manaaki dynamic

35. Well-known values within the kinship system are the mana/manaaki dynamic, intertwined with reciprocity. These provided the social (cultural) whariki for Ngāti Rahiri and Ngāti Kawa to operate from. The more one gives, the more one expects to receive. Land arrangements in the 1820s and the 1830s were tuku couched in these terms. They were complex socio-economic and political arrangements.

36. Tuku in the 1820s: In exchange for resource use rights given to Williams, hapū members received items that were usually implements (e.g. hatchets, axes, adzes, spades) and other small things of practical use (e.g. pots and blankets). In the 1830s, these things continued and as the size of areas increased so did the range of goods, including tobacco in at least a dozen occasions.

37. Tuku to reinforce mana: Tuku was a powerful tool to augment the mana of Ngāti Rahiri and Ngāti Kawa. Each time that Henry Williams, James Busby (or others) discussed their land aspirations with the hapū, it represented another opportunity to build upon previous arrangements and to secure their mana even further. Rather than losing more, Ngāti Rahiri and Ngāti Kawa were gaining more. Every time. The opportunity to protect their most valuable ‘lived’ areas – their ‘whakapapakainga’³, encompassing their kainga, ngāhere, wāhi tapu, wai, and maara in Paihia/Waitangi, Pouerua and in between – was, in short, welcomed.

“Tuku diary” in Ngāti Rahiri and Ngāti Kawa rohe

38. Seen from this point of view, the ‘tuku diary’ for the key figures of Henry Williams, James Busby, J Polack and Thomas Black and Richard Green in the Ngāti Rahiri and Ngāti Kawa occurred like this:

³ To borrow from Paratene Tane who describes the time-layered lived reality of Oromahoe in his current Otago doctoral thesis.

- a. Williams/CMS: Over a 16 year period, the land area of the tuku within the Ngāti Rahiri and Ngāti Kawa rohe and claimed by Williams and the CMS increased, with over 15 in total ranging from Pouerua to Pakaraka to Waitangi and Paihia. The total area claimed by Williams and the CMS was approximately 10,078 acres.
- b. Busby: The total area claimed by Busby was approximately 9,605 acres comprising 9 tuku in and around Waitangi between 1834 to 1839.
- c. Polack, William Green and Thomas Black: The total area claimed by Polack was approximately 452 acres around Waitangi during 1835 and 1836. In 1838, Black and Green claimed 300 acres at Puketona.

39. This detail is set out in the tables contained in my brief of evidence.

The 1840s commissions

40. The 1840s Commission process represented a major threat to our systems of tenure and control. It effectively ensured the alienation of our land.
41. While areas were secured/'awarded' to claimants, large areas of these original tuku areas also became Crown land. In this process, their tuku became rendered null and void. In Busby's land claim case, for example, he was awarded 3,264 acres while the Crown 'obtained' 6,341 acres (i.e. the remainder of Busby's claimed land area) (Stirling with Towers, 2007, p. 1482; see also below for other figures). Instead of remaining with Ngāti Rahiri and Ngāti Kawa, the land simply became Crown land.
42. Ngāti Rahiri and Ngāti Kawa barely participated in the commissions. The issue, as Stirling with Towers 2007 also agrees (p. 432), is that exclusion of Māori was far more than 'talking past each other'. In the 1840s commission case, there was simply 'no talking'.
43. The lack of participation is particularly problematic in light of the awards made and 'surplus' lands. There is no record about Ngāti Rahiri and Ngai Kawa perspectives regarding the implications of awards where the surplus of the lands (awarded to claimants) were assumed by the Crown. Ngāti Rahiri and Ngāti Kawa were, for

purposes of the official record, 'mute'.⁴ Their formal silence is hardly indication of acceptance of such a predicament.

44. Outside a Commission context, and in comprehending the problems relating to these early deeds, Hone Heke expressed his concerns in 1845 talking about 'tangi whenua' to the governor, and in 1847. In 1847 he said that if lands that his people had agreed could be used by the Missionaries and their children were then lost or alienated, the same loss would apply to his people. He said, "Should any of the lands belonging to [the missionary] children be taken, we shall view ours as lost." (Wilson, 1985, p. 285).
45. The participation of Ngāti Rahiri and Ngāti Kawa (along with closely related Matarahurahu), like that of other hapū, was not representative of hapū worldviews concerning tenure and associated reciprocal socio-economic expectations for the relationships that were established or developed at each tuku.
46. That being the case, it is clear that the Commission process was completely geared towards 'the Pākehā' (claimant) side of things. It was never about investigating tuku or Māori values in general.
47. The Commission did not ask for, and neither did we give, comprehensive kōrero.
48. Given the great limitations of knowledge on all these things, the 'evidence' put by the Māori participants in the hearings cannot be relied upon as a full and complete picture of deed circumstances or what they expected and understood they were agreeing to. Wrong conclusions can easily be drawn in this information void. For example, because Māori did not present objections or perhaps present any view on a claim (of Busby or Williams for example), it does not mean that they did not have objections.
49. But a counter point is also possible. That is, they may not have had any objections at all principally because:

⁴ Of the total OLCs in Northland, the CMS claimed more than half, i.e. around 107,000 acres, despite the CMS and missionaries claiming 79 out of more than 500 claimed areas. Stirling (with Towers, 2007, p. 310) adds that they actually claimed 'only' just over 69,000 acres to begin with. This was virtually the area that was awarded to them. But of further significance and worry is what the Crown gained from the missionary/CMS OLCs, as 'surplus'. The Crown acquired over 38,000 acres in this way. This area itself comprised over half of all surplus lands from Northland OLCs. According to the Myers Commission who investigated surplus land issues in 1948, over 19,500 acres of land in the Bay of Islands were surplus; by far the largest area compared to any other area in New Zealand (AJHR 1948, G8, p. 36).

- i. They believed they still exercised control and mana in and over the land, including determining its use and therefore on that basis; and
- ii. They accepted Williams and Busby on *tuku* terms.

50. It is, therefore, a spurious thing to rely on half, or indeed no, information and make conclusions based on them (like the Commission did). The solution is instead to consider the wider cultural value context (including its application such as through continued occupation and use), and where available, *kōrero* that is framed by these values. This *kōrero* appears many years later and which I refer to shortly. There are also notable statements by Ngāti Rahiri and Ngāti Kawa rangatira like Te Kemara at the Treaty hui at Waitangi in 1840, and Hone Heke's lament 'tangi whenua'.

Extent of claimed lands

51. Henry Williams and the CMS claimed the majority of the most valuable lands within the Ngāti Rahiri and Ngāti Kawa rohe, then in terms of Busby's situation, within five years he had amassed an estate that essentially consisted virtually all of the remaining most valuable lands for the hapū. These lands included their settlement, cultivation, forestry and wāhi tapu zones.

52. Other large areas of land were taken up by J Polack and Thomas Black and Richard Green. In total, this was around 20,435 acres.

From *tuku* to land taken

53. While this is just a number and there was nothing accurate in its measurement, it indicates the scale of their claimed interests, and some would say, greed. But more importantly when the 20,435 acres is seen in map form, it shows how virtually all of the lived areas of Ngāti Rahiri and Ngāti Kawa were ultimately acquired, beginning with the claimed interests via the written deeds; and acquired before any other hapū outside Northland had faced circumstances of land loss. The implications of loss are seen in the associated socio-economic decline and environmental problems that has occurred within the community ever since as also described in the evidence of Renata Tane and others of Ngāti Rahiri and Ngāti Kawa.

Reserves

54. As described above, reserves to Māori signified places of significance or places of tapu within the wider ancestral estate. It was the wider ancestral estate that was important in terms of mana (o te) whenua, status, identity, economic and social

resources. Reserves or places that were deemed 'tapu' or set apart, were places that warranted particular or additional recognition or protection. It did not mean that hapū interests in land were limited to them only.

55. Their significance was demonstrated in ongoing occupation of lands that contained them (especially at Waitangi and at Paihia on lands claimed by Henry Williams and James Busby), despite their supposed alienation from customary title (Stirling with Towers, 2007, p. 1531).
56. Some reserves were initially established but others such as Tomotomokia and Te W[h]arehuinga were not.
57. Despite years of appearances before Crown forums, Busby's claimed land never resulted in any reserves at Waitangi being set aside despite: (1) Busby stating in the 1840s that he had regifted lands to the local people; and (2) "three commission recommendations specified native reserves" (Rigby *et. al.* 1997, p. 69). Effectively, as Rigby *et. al.* 1997 (p. 73) point out, "At Waitangi Busby got 9,374 acres, the Crown got 1,010 acres, and Māori got nothing."
58. It needs to be said also that the focus on a so-called reserved area that was nicely bounded or surveyed was as problematic as the process of surveying them. Henry Williams' son Edward Marsh Williams acknowledged the broader interests of Ngāti Rahiri at Te Tii Waitangi, for example, beyond the so-called reserve area, arguing also that they were entitled to this wider area. (To note, however, the area he described was itself limited to a 700 acre 'block'.)
59. 'Block' is not a customary tenure concept and again needs to be seen as part of an expansive ancestral estate, 'bounded' by (shared, if not also shifting) markers including mountains, waterways, significant trees and other geographical points of reference:

"Judging by their later occupation of, and claims to, large areas at Opuia and Te Tii, they perceived themselves as possessing a broader right than that to which he [Williams] wished to confine them." (see Stirling with Towers (2007), p. 306 for discussion of the Te Tii reserve issue).

Part 3: Post-1840 'responses'

60. In this final part of my summary, I highlight post-1840 positioning by our hapū. Compromise to ancestral estate focus: A related question about reserves is that

our interests over time appeared to become focused or reduced towards reserves only. That was not, however, the case.

61. When Ngāti Rahiri and Ngāti Kawa focused their efforts towards reserves, it did not mean they were no longer interested in their rohe. What it does suggest however is that arguing for reserves appeared to provide the best opportunity for hapu land issues to be addressed. But our leaders argued on a number of *take* as I discuss in this final section of my summary.
62. Ngāti Rahiri and Ngāti Kawa leadership and mana expression post-1840, covered a range of economic, social and political issues. This is the context for specific issues like old land claims and losses associated with them to be considered. As years passed, it was becoming increasingly clear to Ngāti Rahiri and Ngāti Kawa that bigger questions on the nature and meaning of partnership with the Crown required addressing in order that the multitude of specific matters could be pegged against this. They participated in numerous contexts to press the Crown for responses to this question.
63. The passing of Ngāti Rahiri and Ngāti Kawa leadership from Tiriti participants Te Kemara, Marupo and Hone Heke continued to next generation leaders such as my great grandfather Te Tane Haratua and his relative Hemi Marupo from the 1860s. Te Tane Haratua argued a number of matters relating to land and hapū wellbeing, seeking better outcomes and Crown support over a forty-fifty year period. Notably, he began a leadership role while still young, in his early twenties. Both he and Marupo led initiatives that aimed to protect, promote and advocate for hapū mana throughout the latter decades of the nineteenth century.
64. Their roles began in, for example, the District Runanga system of the 1860s, where both were karere or 'chiefs'. Although the district runanga was problematic, it nevertheless provided a mechanism for hapū leadership to operate within, and alongside, the Crown.
65. In another case, Mitai Penetona complained at a hui with Governor Grey about the unfairness of the old land transaction system in which Māori were paid pittance (Stirling with Towers, 2007, pp.1478-79). In the 1870s, Haratua and Marupo's efforts turned to establishing and operating the first native school, located here at Oromahoe from 1872. Haratua and Marupo were both the hapū representatives on the committee that oversaw its establishment, with Haratua then accepting a position on the school board. The Oromahoe Native School was an important focus for the hapū over ensuing decades.

66. Broadly speaking, the 1870s was still a period where Haratua and others throughout Ngāpuhi retained a degree of support for the Crown, the governor and/or the Queen (see AJHR 1870 I, Ao p. 7). They wanted to operate within the bounds of a kaupapa that was framed by mutuality and partnership.
67. But the 1870s was also characterized by other issues that impacted upon the effectiveness, delivery, or focus of hapu leadership. These included the impact of disease such as typhoid and dropsy, which took a toll on populations throughout the Bay of Islands as Edward Williams, Resident Magistrate, reported (AJHR 1877, G1 p. 3).
68. Despite the social issues and the many responsibilities falling on the shoulders of a selected few, in 1887, Haratua turned his energies to leading a petition with 79 others relating to pre-Treaty land deeds that resulted in subsequent loss and the lack of protection by the Crown on an area of particular importance at Waitangi.
69. Haratua's petition demonstrates the struggle for recognition of mana over land (Te Tii Waitangi) and land wrongly taken by the Crown. His petition also demonstrates the grave sense of loss and grievance felt at that time when reflecting on the generosity of Ngāti Rahiri and Ngāti Kawa tupuna of the 1820s and 1830s (AJHR Session I, I-03, 1888 in Tane, 2013, p. 97).
70. A year later, another petition on behalf of Ngati Rahiri was presented to the Crown. Led by Hori Kira and signed by 336 others, the petitioners 'prayed' that 'effect' may be given to their prayer that land be Crown-granted to them for an inalienable permanent reserve (AJHR, 1888 I3).
71. In the closing decade of the nineteenth century, the strategy of Ngāti Rahiri and Ngāti Kawa leaders turned to pursuing a number of concurrent mechanisms for seeking the protection of mana in lands. They joined other Taitokerau hapū leaders and came together (as they had been doing so for some years prior) to discuss and promote issues of common concern. In 1892, a major pan-hapū hui was held at Waitangi, with representatives from not only Northland but also throughout Aotearoa, attending. Te Tane Haratua was one of the Ngapuhi representatives in attendance, alongside father of Hone Heke MP, Hone Ngapua. This hui itself followed on from two previous Ngapuhi-wide hui held in April and December the previous year and other kotahitanga hui in the late 1880s.
72. Reputedly, the April 1891 meeting was the largest gathering of hapū representatives ever held in Northland. The hui discussed land concerns and other

issues (Northern Advocate 22 April 1891, p.2). I point out this hui to indicate Haratua's role in it as it he who suggested to name the group 'Whakakotahitanga', in an effort to emphasise and endorse the importance of unity as a strategy to bring attention to major issues. One of their immediate tasks was to organise representatives to accompany the northern Māori Member of Parliament (Eparaima te Mutu) to take their concerns to parliament in Wellington. April 1891 was a busy month on land issues. At the beginning of it, Haratua presented views in the 'Rees Commission' inquiry at Waimate alongside Hone Ngapua and seven others on native land laws (AJHR 1891 G1 Session II, p. xxxv). Then only days later, a hearing into Waitangi Te Tii was to be heard in the Native Land Court at Waimate where Te Tane Haratua again played a key role in giving evidence.

73. The 1890s was important in terms of wider hapū/regional activities/national activities and the engagement of Ngāti Rahiri and Ngāti Kawa in them. It would be remiss of me to not mention Hone Heke MP, another standout leader of our hapū. I need not detail his multiple and significant leadership roles, which are dealt with elsewhere (including my mother's biography of him in the DNZB), suffice to say that he strongly promoted Treaty and land-related issues in parliament and outside it. In 1899, for example, he was a leading member of a wider Ngapuhi group that invited the Governor, the Prime Minister (Seddon), the Māori Affairs Minister (Carroll) and other dignitaries of the Government to Waitangi in March. At that hui, he welcomed the Governor and the government, and presented Lord Ranfurly a mere pounamu as a symbol of enduring partnership that he and wider Ngapuhi were still hoping for, in light of that established by his tupuna.
74. His whanaunga Te Tane Haratua again took a leadership role in the hui as well. Few were recorded as speaking, but Haratua, like Heke, was pleased at the government coming to Ngapuhi to hear them directly. He also urged the government to set in place the right laws:

He oranga ngakau no matou te taenga mai o te Pirimia ki to matou nei pito o te Motu, kia takoto atu ai ki tona aroaro a matou powhiri me a matou naumai mona. E tumanako ana matou, hei otinga mo tenei huihuinga, tera e paahitia etahi ture hei painga mo nga iwi e rua, otira mo te iwi Māori. Kia ora tonu te Pirimia.

75. At the conclusion of the hui, Haratua sat alongside the Governor for the concluding hakari.

76. So while the kaupapa at this, and previous, hui of the decade and of the 1880s was not specifically concerned with old land claims or the problems that arose because of them, it was, nevertheless about utilizing opportunities to seek attention on the issue of partnership. Partnership would then – in the optimistic view of Ngāti Rahiri and Ngāti Kawa (alongside others) – be a platform for issues of concern to then be addressed.
77. Where also possible, specific efforts were mustered on the matter of wrongful Crown actions concerning lands.

Ongoing effects on Ngāti Rahiri and Ngāti Kawa

78. Economic leadership loss: The long historical trajectory has had a multiplier effect, through each whakapapa generation. Early land loss obliterated the ability of the hapū to develop economic enterprise *long term*. Where they continued to reside on land in the following years after the original tuku/deed, they exercised a degree of economic control, but that was largely limited to maintaining local/whānau economies. It was not about expanding any economic enterprise (as Hone Heke and others hoped for). Then, despite the many government commissions and enquiries, none resulted in a return of the wider ancestral estate. The pre-Treaty land deeds, therefore, sowed seeds for future socio-economic impoverishment.
79. Colonisation may have begun formally in 1840 with Te Tiriti. But for Ngāti Rahiri and Ngāti Kawa, colonisation began in the preceding decades. By this interpretation, I am referring to, broadly, the settlement process and control assumed first by the missionaries and the British Resident then the Crown. Ngāti Rahiri and Ngāti Kawa still exercised their mana in this period, but the foundations of colonisation and of British systems of power were well and truly being laid.
80. Knowledge loss: The implications of early land loss is seen in not only the ensuing disconnection of Ngāti Rahiri and Ngāti Kawa with our ancestral estate in terms of customary tenure, but also in terms of knowledge loss. Places considered tapu or significant in 1820, 1830, or 1840 remain part of hapū history and kōrero. Some places are known and are identifiable, like Pouerua and the rivers that flow throughout the rohe, wāhi tapu like Umutakiura, Kaungarapa and Tomotomokia, while other places including other wāhi tapu are now known in name only. Does this make them less important? From a matauranga perspective, it does not. But reclaiming history and places in a contemporary context, after successive generations of disconnection is an excessively difficult task. Our hapū, like others, has a cultural crisis in these terms. As stated above, ours extends back possibly

the furthest in our nation's history. It is the loss of intangible knowledge that confronts us greatly. I would argue we are past a tipping point. Most knowledge we cannot imagine to recover. But we can begin a process of restoring and imbedding a cultural footprint in the Waitangi ki Pouerua region through capturing what we know through our own kōrero and through research conducted relating to this rohe, and translating that in ways that make sense and are relevant to the living today and for tomorrow. This evidence is part of this focus, which is a long-term one and inevitably, an inter-generational one.

Concluding comments

81. The formal record concerning pre-Treaty land arrangements or old land deeds may be limited in what it has kept 'on file' as the voice of Ngāti Rahiri and Ngāti Kawa since 1840. What can be said, however, is that sustained effort by a number of individuals over all decades of the nineteenth century demonstrates continued focus on seeking ways to protect and to promote their mana in their lands and resources. These efforts were progressed either within Crown-initiated processes like the runanga system or in petitioning parliament, or through hapū-led initiatives like Tiriti and kotahitanga-focused hui.
82. This is the broader context that specific issues like old land claims needs to be considered within.
83. At the close of the nineteenth century, my tupuna Te Tane Haratua was optimistic that outstanding issues would be addressed by the Crown. This is what the public record states. Privately, however, he was also extremely upset at the lack of due attention by the Crown on dealing with Māori land issues. Private papers held here at Oromahoe tell us this. Indeed, the language he used conveyed ideas about the betrayal of the Crown and the need to reciprocate this betrayal in the strongest possible terms. What he meant exactly has been left to us to ponder. But what is clear is that while his reserved sentiments have not reached the public known record, they remind us, his living descendants, that matters remain unresolved. Too many generations have passed. Too many people have died without resolution to problems that began well before Te Tiriti was even thought about and which began with the cross-cultural misunderstandings around the inherent tuku value system that underpinned the early land deeds. With the loss of our land early on, we have also lost economic leadership based from our land. It is my hope that this Tribunal will see, hear and act on the issues raised.

Merata Kawharu

21 June 2016