

**IN THE WAITANGI TRIBUNAL**

**Wai 45**

**IN THE MATTER OF** the Treaty of Waitangi Act  
1975

**AND** an application for remedies on  
behalf of Te Rūnanga-ā-Iwi o  
Ngāti Kahu ("Ngāti Kahu")

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**BRIEF OF EVIDENCE OF HAAMI PIRIPI ON BEHALF OF TE  
RUNANGA O TE RARAWA**

**22 AUGUST 2012**

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## **MAY IT PLEASE THE TRIBUNAL**

My name is **Haami Piripi**.

Ko wai te Iwi o Ngati Kahu ki a te Iwi o Te Rarawa.

Ko Tinana Te Waka, ko Tumoana te tangata, ko Te Rarawa Te Iwi.

Mai i e te aitanga mai o nga tini a nga Atua Maori, ka heketini tonu nga tatai o Te Ao Turoa.

Ko Tumoana ano tera no Hawaiki, i momotu mai nei ki Te Ika a Maui, ki nga pitopito whenua o Kupe.

Ka noho ka ora ko ana uri e tu mai nei ko te iwi tonu o Te Rarawa Kaiwhare.

Ko Tamahotu tenei, tungane ki a Kahutianui, me he pou herenga tangata mo nga tatai o te tai tama tane. Ta Kahutianui ki uta, ka moe i a Parata ki tai, a ka whai ingoa ra, te kahui nei ko Ngati Kahu. Ka riro ko te tahuu korero o Te Rarawa ka tatai tonu ki Ngati Kahu tangata. Me pehea oti ra te wawahi, te wetewete i nga whatu manawa o tena, o tena o tatou Whanau o Te Hiku o Te Ika. He tangihanga tuturu, he tangata pea te utu. E kore e taea te pehea.

**1.** I hold the positions of:

- a.** Chairperson of Te Runanga o Te Rarawa ("Te Runanga"), the governance entity for the Iwi of Te Rarawa ("Te Rarawa");
- b.** Negotiator on behalf of Te Rarawa for historical Te Tiriti o Waitangi/Treaty of Waitangi ("Te Tiriti/Treaty") settlements; and
- c.** Chairperson of Te Hiku o Te Ika Forum ("the Forum").

## **Qualifications, Experience and Whakapapa**

*Nā ko tāku kōrero tuatahi ko te pātai: ko wai au. He uri ahau no nga waka katoa o Te Hiku o Te Ika. Ka tatai tonu ki nga tupuna o runga, a ki nga Hapu maha e noho ake nei ki nga pitopito whenua o te rohe puta noa. Ki Te Rarawa ka heke iho ahau I a Haare Nepia Te Morenga tetahi rangatira no Ahipara/Pukepoto. He kaihapai ia i te kaupapa rangimarie*

*me nga korero a to matou ariki ko Poroa. Ko Poroa tonu to matou tupuna I noho nei ki tona paa kei Ahipara, ko Whangatauatia (nana ano i tapaina tena ingoa). Nana ano I waiho to matou marae hei whakatutukitanga ki ana wawata mo tona iwi o Te Rarawa. Ara, ko Te Owahaaki a Poroa te kaupapa o to matou wharepuni. He kaikawekorero ahau mō te kainga o Ahipara, mo toku Marae, me tōku Hapu ko Te Patukirikiri. Ka tae ai tonu ahau te whai korero mo nga marae katoa o te takiwa nei me nga marae tatai noku ki Ngati Kuri, Te Aupouri, Ngai Takoto me Ngati Kahu. I Whanau mai ahau ki Ahipara nei I tupu ake au i nga rekereke ōku mātua. He tamaiti haere ki nga marae, ki nga hui nui ki Waitangi hoki mai i tāku tamarikitanga, hei tonotono na oku matua. Kua tīmata mai ahau te kohikohi rapihi, ka tupu ake he kaimahi mō Te Waka ko Ngātoki, he kaihoe hoki. I tu ahau i te roopu kapa haka, ka haere tonu au ki te Whare Wānanga o Massey University. Ka mutu i hoki porotehi mai ki Waitangi ki te kainga ranei. E hara au i te tohunga, he aha rānei,, ēngari, i te wā i konei ahau e porotehi ana, I noho nei mātou ki te wānanga ki Waitangi. I konei ngā tino kaumatua o aua wā, ko Kito Witehira, ko Rapata Whiu, ko Hone Heihei, ko Rangi Marsh me Ta Himi Henare. Nā rātou i kōrero mai mō te hui Ki te Tou Rangatira, mō te mauri o te kōrero. Na ratou tonu I whakaako nei I ahau nga maramatanga mo He Whakaputanga, me Te Tiriti o Waitangi.*

- 2.** I am a descendant of all of the Waka of the Far North and am genealogically connected with all the communities of the north through these ancestors. Within Te Rarawa I am a descendant of Haare Nepia Te Morenga who signed He Whakaputanga as a Rarawa, but did not sign Te Tiriti (being absent). We are the family of Poroa and live below his main paa Whangatauatia which he renamed in honour of his wife (of the same name) Our Marae has its origins in Poroa's mana and his dying wish to be steadfast in our beliefs and nurture one another. Our Hapu is Te Patukirikiri. The many descendants of Te Morenga are widespread, however at Ahipara lie his lands, his paa, and his people, who maintain our association with his marae, wāhi tapu and wāhi noho. I continue to represent the voice of the descendants of Kihiringi Nepia Te Morenga (son of Te Morenga) in the affairs of the kainga including the Wai 118 claim to the

Mapere block at Ahipara and have been mandated to represent the claim in direct negotiations. I have a right to speak on all our marae and the ability to speak on all the marae in Te Hiku o Te Ika. I am also a descendant of Ngāpuhi-Nui-Tonu.

- 3.** I was born and bred in Ahipara and grew up at the feet of my elders listening to their korero and providing for their immediate needs. As a youngster I attended many Hui with them and every year since I can remember we went to Waitangi to prepare for and help with the running of the Hui. I began as a rubbish collector, then maintaining the Waka Ngatoki and on to being a paddler and Waitangi Kapahaka member to powhiri manuwhiri of the motu. I then participated in organising Waitangi commemorations. After attending Massey University to complete a Degree majoring in sociology and focusing upon New Zealand history and anthropology I returned to the commemorations as a protester for quite a number of years. It was during this time that I was exposed to the teachings and influence of senior kaumatua of the north who were in charge at the time. Elders like Te Tawai Kawiti me tana kuia, Rapata Whiu, Rangi and Rewa Marsh, Hone Heihei and Kiro Witehira and of course Sir James Henare who alongside our own parents instructed us in korero and waiata. These kaumatua and others taught us about the Tou Rangatira, the Whakaputanga and Te Tiriti o Waitangi and provided guidance on our thinking and our practices as young people of the north.

*Kei te tautoko ma,i hoki toku iwi, ki taku korero mo Te Iwi o Te Rarawa i te whakaminenga o ngā marae e tatai ake nei ki Te Runanga o Te Rarawa. He Runanga to matou waka mo te iwi, ko te Heamana ahau.Na te iwi whanui i whakamana tenei turanga. Ehara i te mea e korero ana mo tetahi marae, hapu ranei engari ma ratou na korero kia whai mana taku tu.*

- 4.** I also make this submission supported by the Iwi of Te Rarawa (“Te Rarawa”) in my capacity as Chairperson of Te Rūnanga o Te Rarawa (“the Rūnanga”) involving each of the affiliated Marae

between Hokianga in the south, and Te Oneroa a Tohe in the north. The Rūnanga does not speak on behalf of these Hapu in the progression of their interests but they have provided the mandate for my assertions. My view is simply an understanding of a child raised in an environment of historical analysis and nurturing by significant kaumatua. I am no historian or academic scholar but I do have memories, experiences and associations passed on to me via our oral traditions within my short lifetime that I believe are pertinent to this inquiry and are of equal value to so called "scholarly works". It would be remiss of me not to recount these understandings – these oral and sometimes written accounts, provided by our forebears. I do so out of a commitment to those elders that invested in me in the expectation that this would one day provide benefits for the Whanau, hapu and iwi of Te Rarawa and the other iwi of Te Hiku o Te Ika. Like everybody else I descend from everywhere, but today I stand as an advocate and champion for the intent and aspirations of our tupuna to continue our long established sovereign presence. In presenting my understandings of the dynamics of our hapu and iwi relationships, I remember them and honour them and what they were trying to achieve.

*He kaikōrero tūturu ahau mō Te Rarawa mo Wai 262, Historic Claims, Foreshore and Seabed. Kua Taunga kē ki ngā mahi kereme. Kua whai mana kia tū ki te kōrero mai i ngā marae me ngā hui a iwi.*

- 5.** I am also a negotiator for Te Rarawa in the Foreshore and Seabed direct negotiations with the Crown, and represent Te Rarawa in the Wai 262 claim, the Wai 1040 Whakaputanga Claim, the Waimaori Claim and a claim concerning the Legal Aid Service. I in addition to my role as Chair, I am also an elected negotiator for Te Rarawa historical Treaty Settlement claims and have a history with Treaty Settlement claims work that goes back twenty-five years. I have both the cultural and I believe legal mandate to speak for, and to represent Te Rarawa Iwi issues in this forum.

*Toru tekau ma rua ngā Hapū e tataihia ki te iwi o Te Rarawa ma i te kowhao o te marae. Engari tēnei kōrero he kōrero tatai ki ngā tupuna tokowhā ko Papahia, Te Morenga, Te Huhu rātou ko Panakareao raua ko Erenora.*

- 6.** Te Rarawa is bound together in a historical confederation by thirty two Hapu who are the focus of Hapū representation and Whānau development. Fourteen of these Marae are located within the environs of the Hokianga Harbour and consider themselves to be a part of the Hokianga community along with the Hapū and Marae of the south side. The relative proximity of these communities has ensured an ongoing relationship between Whānau on both sides of the Harbour. The resultant whakapapa forms the basis for Ngāpuhi-Nui-Tonu – the suite of historical alliances between the Hapū of Te Rarawa and Ngāpuhi. This term Ngāpuhi-Nui-Tonu is ancient and derives from Hawai’iki. In a more recent and contemporary context, it expresses the unity of purpose gained by the strategic alliance of kinship groupings. This alliance was triggered in the past by events and activities that required the resources of more than one Iwi to achieve success in a highly competitive environment – especially for food resources and a means of production. On the eastern and northern fringes of the Te Rarawa kainga we have had a similar relationship with our neighboring iwi.

*He uri tūturu ahau o ētahi ō ngāo tupuna nei. Kua noho rātou katoa he kauae rangatira mō te iwi o Te Rarawa. He whanaunga tata rātou katoa. Ka tīmata i a Ranginui rāua ko Papatuanuku – ko ngā Atua o te Taiao, o te tangata. Ko Tane i whakaahua i a Hine Ahuone, heke tatai iho ki a Maui, ki a Tāwhaki, ki a Kupe, ki a Toi, ki a Turi.*

- 7.** The pou tokomanawa, or main support post of my evidence and my ability to comment, is the connectivity of genealogical relationships and the place I and my Iwi have within it. For the purpose of this statement this whakapapa begins with Ranginui and Papatuanuku. These are the two entities that we know and understand as the planet earth and the space within which she

exists. This is the first relationship, and from Papatuanuku and Ranginui's offspring, all living things on the planet descend.

- 8.** Within this pantheist paradigm, the Māori of Aotearoa descend from Tāne Mahuta who, with the aid of his siblings, and minions created Hine Ahuone – the first ancestress of humankind. There are a number of versions of the subsequent genealogy but they all converge on key Polynesian figures like Maui and Hina, Tāwhaki, Kupe, Toi and many others.

*Ko te Hiku o Te Ika o Maui te ingoa tuatahi mō tō mātou wā kainga. Ko te Matau a Maui te whetu Kapikapo i aratikaina te waka o Maui.*

- 9.** We, in Te Rarawa, initially trace our descent from Maui, who is attributed with the discovery of Aotearoa by fishing it up from the ocean. Rather than some fanciful myth, the fishing up of the island is a symbolic expression of his stellar navigational skills and his ability as an explorer. The region of the Far North is still known today as Te Hiku o Te Ika or the tail of the fish of Maui. The star constellation Te Matau a Maui (the fishing hook) remains a talisman for seafarers and is still used by Māori and other Polynesian navigators today.

*Ko ngā tino tūpuna o te iwi nei ko Kupe nō Motutapu ki Hawaiki Rangi, ko Ngatoki, ko Mamari, ko Tinana ngā waka i ū mai ki uta.*

- 10.** The next explorer of the Pacific and ancestor of Te Rarawa and many other iwi was Kupe who arrived in Aotearoa by waka between 650AD and 950AD. After circumnavigating the land and residing here for about fifteen years he returned to his home of birth (Motutapu) and sent his descendants back to the Harbour that was named for him as he departed – Te Hokianganui a Kupe. The two waka that were sent back by him were the Ngātokimatawhaorua (captained by Nukutawhiti) and Mamari (captained by Ruanui o Tāne). These are the waka of Hokianga from which Ngāpuhi-Nui-Tonu descend. Te Rarawa also descend from the Tinana waka captained by Tumoana and these descent

lines converge upon the ancestress Te Ruapounamu and her husband Tarutaru who are the main eponymous ancestors of Te Rarawa.

*Ka ora ko Tarutaru, ko Ruapounamu ō mātou tūpuna i mau ai te mana o te whenua.*

- 11.** The third child of Tarutaru and Ruapounamu was Ngāmotu who married Te Paa. Their third child Poroa later succeeded his grandfather Tarutaru to become the Ariki of Te Rarawa. Upon Poroa's death, Panakareao (another grandson) became the leader of Te Rarawa. His wife was Erenora who was the daughter of Papahia, who, with his brother Te Huhu, were also grandsons of Tarutaru and Te Ruapounamu. Poroa had three sisters the oldest of whom was Te Marino. Te Marino married Wharewhare and had Te Morenga.

*Mō te Ripo te take i rapu utu ai a Tarutaru mā. Ka whai utu ka murua katoa ka kai tangata. Ka tīmata ko Te Rarawa kaiwhare. Ngā tamariki a Tarutaru rāua ko Ruapounamu ka noho ki ngā takiwā.*

- 12.** These ancestors, Papahia, Te Huhu, Te Morenga and Panakareao, are the four principal Te Rarawa Signatories who are known to have signed He Whakaputanga. They form part of a genealogical descent group which is termed the kauae Rangatira, the jaw of aristocracy. I am a descendent of Te Morenga.

*Te Nohanga a Te Morenga. Ko tōna paa kei Ahipara, kei kōnā ia e takoto ana ki Pukemiro. He kaumatua rawa ia i tōna matenga. He tamaiti nā poroa, heke iho ki tōku whānau, ā ki au.*

- 13.** Te Morenga is buried at Ahipara where his immediate descendants still live on lands that have been inherited from him and his descendants. Te Morenga had Kihiringi Te Morenga who married Kahuangiangi. Together they had Mereana who married Heiwari Henare. Heiwari Henare had Hera who married Te Karaka Hemi Manuera who had Maki. Maki married Kingi Piripi and had



Robert Phillips who married Louie Warmington and had Raiha. Raiha and Herepete Poata from Ahipara and Matangirau are my parents.

*I tupu ake ahau ki Ahipara kei ngā rekereke o ōku mātua. Ki te titiro ki te whakarongo ki a rātou e kōrero ana mō Te Tiriti o Waitangi mo te Whakaputanga. Ko Te Morenga te mana i tupu nei au.*

- 14.** I was born and raised at Ahipara living next to my Marae. I was a tamaiti whāngai to my grandfather's older brother Henry Phillips who, while alive, represented the interests of Te Morenga in Ahipara. I currently reside on Te Morenga lands and live in his great-grandson's house which I have renovated. I was brought up in an environment of kaumatua who were peers of my adopted father Henry and was mentored by many of them.

*Nā tāku tupuna tua toru i tiakina i ahau i te wā nohinohi. Nāna ahau i ako ki ngā mea o te whenua me te ngahere. He tamaiti whangai ahau ki tōku tūpuna/mātua. Ka mutu ka tupu ake au i te kainga kaumatua te hanga. I haere tonu ahau ki ngā hui i runga i ngā marae katoa o Te Tai Tokerau.*

- 15.** As a child, my main caregiver was my great grandfather, Kingi Piripi, (born 1890 in Ahipara) who taught me about the maramataka Māori which is a way of living according to stellar and lunar cycles. I was taught gardening, seafood gathering and forest hunting according to tikanga Māori. I was also instructed by several well-known kaumatua including, Ephraim Te Paa, Sir James Henare and Sir Kingi Ihaka who each helped me through my career. I was trained at an early age in public duties and public speaking, and was often relied upon by elders for administrative support. I was privileged to have known these venerable elders from whom I have learnt all of my base values, and beliefs about the world around us.

*Ngā pūkōrero ngā tohunga i te reo ko ōku mātua. Nā ōku matua ahau i ako i whakarite kia kawea te kōrero, te maramatanga o ratou i mahara*

*ana ki nga kōrero tawhito: Ephraim Te Paa, Simon Snowden, Kingi Phillips, Rangihau John, Hohua Tutengaehe me etahi atu.*

- 16.** I now represent the interests of Te Morenga and am the principal claimant for the Wai 118 claim for the Mapere block (which Kihiringi Te Morenga began a school on). I am also trustee of the Roma Marae, Saint Clement's Church, Pukemiro cemetery and other tribal lands, which are all positions derived from the Mana of Te Morenga. It is on this basis that I derive the Mana to be able to present evidence in relation to Te Morenga and to other tūpuna who were his close relatives and allies. I believe I have been prepared for this role by my kaumatua who trained me in Tikanga Māori and were themselves orators and scholars of the highest order. I have also had decades of exposure to senior kaumatua from other areas around the country some of whom became close mentors investing their time, experience and knowledge in me.

*I te Whare Wānanga o Massey i whiwhi ahau he Bachelor of Social Work (BSW) me ētahi atu tohu. E mōhio ana ahau ki kohuiarau kua roa rawa ahau e porotehi ana mō Te Tiriti te take. WAC, Kawariki S.U.P.*

- 17.** I attended Massey University where I gained a Bachelor of Social Work. I also have a number of post graduate papers which range from counselling to Tikanga Māori and Whaikōrero obtained through Te Kawa a Maui at Victoria University. I am also familiar with the Kohuiarau Kaupapa and the more recent network of political activists. I have also been involved with initiatives to implement Treaty of Waitangi issues in the New Zealand public sector.

*Kua roa rawa hoki ahau in noho ake hei kaimahi mō ētahi ō ngā tari Kawana tae noa ki Te Taura Whiri i te Reo Māori. Ka hoki mai ki te kainga hei heamana o Te Runanga a tōku iwi.*

- 18.** I have worked in the New Zealand public service for nearly thirty years, including for the Ministry of Social Welfare, Labour

Department, Ministry of Justice, Department of Conservation, Ministry of Māori Affairs, and the Department of Corrections, culminating in seven years as the Chief Executive of the Māori Language Commission (2000—2007). During my career I worked as a policy advisor and manager across a range of sectors including; resource management, coastal policy, fisheries (customary, commercial and recreational) and local government. I have managed portfolios that have included the implementation of specific resource management initiatives and I have presented on these subjects both nationally and internationally on a number of occasions. While at the Department of Conservation, I managed the Treaty Claims Unit based in Head Office in Wellington and was directly involved in constructing settlement redress mechanisms for the Ngāi Tahu and Tainui claims.

*Kua marama pū ki Te Tiriti he maha ngā kōrero i ako hoki i te wānanga Pākeha me te wānanga Māori. Taunga kua waea tonu ki te mahi kauhau mō Te Tiriti pēnei ki a koutou e ōku rangatira.*

- 19.** I am an expert on Te Tiriti within my community, with a knowledge base spanning a lifetime. As a child I gained oral instruction from revered kaumatua and was entrusted with certain information and roles concerning Te Tiriti, including its rationale and its expected outcomes. I have been instructed as a kaitiaki of Te Tiriti. I have spoken to numerous audiences about its applicability in a contemporary sense. Further I have participated in many Waitangi Tribunal hearings filling a variety of roles from researcher to claimant submitter. I have presented orally and in writing to Select Committees on environmental and Māori issues and to United Nations fora on issues like intangible cultural heritage, Takutaimoana and customary usage.

*I hoki mai ahau ki te kainga, kua aro ake au ki te whakaora ake tōku iwi. E mōhio ana ki ngā marae ōna tikanga reo. Kei te ako tonu.*

- 20.** I have been working in the area of the development of our tribal nation for some decades and hold a number of positions as

Trustee for land trusts, reserves and Marae. I am also a traditionally mandated rangatira of my area and as such have a prescribed role to represent the issues of my people in order to provide for their wellbeing. I have been trained in all aspects of Marae protocol and activities and have a working knowledge of the dynamics of Whanaungatanga. I am able to speak on any Marae in the Far North by right and across Northland by reputation as a community leader. I also have a working knowledge of Tikanga both on the Marae and among Whanau and am often called upon as an expert on Tikanga Māori by my own people and other organisations.

*Ko te tiketike o aku mahi katoa ko te whakaotinga o te Pataka Kupu he papakupu reo Māori anake. Kei raro i te maru o Te Taura Whiri i te Reo Māori.*

- 21.** I am fluent in both English and Māori and am an acknowledged speaker on Marae throughout the country. I have a well-established network of cultural expertise and attend most regional Hui and meetings on the subject. In my role as CEO of the Māori Language Commission I consolidated my cultural and secular knowledge to establish an innovative and effective language strategy including the compilation of New Zealand's first monolingual Māori dictionary.
- 22.** Through my localised genealogy I am affiliated with all Iwi of Te Tai Tokerau however my primary Iwi are Te Rarawa and Te Mahurehure, between whom there is a close association.
- 23.** I currently represent Te Rarawa in the National Iwi Chairs Forum and am involved in a number of portfolios involving education and natural resources.
- 24.** I am also a member of a number of other organisations including the Repatriation of Human Remains Komiti at Te Papa, Nga PuWaea (a national broadband implementation group), Review

Komiti for funding proposals to Te Mangai Paaho and the Northland Rural Fire Authority.

25. I am aware of the Application for Remedies that has been filed with the Tribunal by the Venerable Timoti Flavell on behalf of himself and Ngati Kahu.

## **Executive Summary**

26. It is well established and recognised that Te Rarawa is the biggest of the five Te Hiku o Te Ika Iwi.
27. Our actual Area of Interest ("Rohe") is set out in the map attached as **Annex A**.
28. For the purposes of the settlement of the Treaty of Waitangi historical grievances, we took a pragmatic approach, primarily, in an effort to reduce any inter-iwi antagonism, and agreed to a much reduced Area of Interest ("the Reduced Area of Interest") depicted in the map attached as **Annex B**.
29. Key indicators demonstrating the fact of our Iwi manawhenua over our Rohe include:
  - a. Panakareao and others signing of He Whakaputanga and Te Tiriti;
  - b. Panakareao and others continued protestations post Te Tiriti in relation to Crown incursions into Te Rarawa self-government over our Rohe;
  - c. Historical acceptance by other Te Hiku Iwi and neighbouring Iwi of Te Rarawa's Iwi manawhenua over our Rohe; and
  - d. Manawhenua of Te Rarawa affiliated Hapu over the Reduced Area of Interest.
30. The Iwi of Te Rarawa has maintained a key political presence and infrastructure over our Rohe and frequently takes a lead role in relation to national affairs. Examples include; our ongoing role in the foreshore and seabed ownership issues; ownership of water;

fauna and flora; Te Reo; and housing, health and other social services delivery.

- 31.** Te Rarawa rejects outright the current culturally inappropriate and historically unsubstantiated attempted incursions by Ngati Kahu into our Rohe. More historically accurate boundaries for Ngati Kahu would show a smaller area than the one which is the subject of this Remedies Application.
- 32.** Te Rarawa accepts that:
  - a.** there may be some other hapu manawhenua interests which are lesser than Iwi manawhenua in our Reduced Area of Interest;
  - b.** there may be overlapping Iwi manawhenua in the area of our Rohe outside the Reduced Area of Interest; and
  - c.** in Kaitaia itself, there may be some overlapping Iwi manawhenua interests.
- 33.** In the interests of maintaining a level of equity among the converging Iwi interests of Te Hiku o Te Ika, Te Rarawa rejects the application by Ngati Kahu for the resumption of any properties that are currently included within our Deed or owned by the Runanga o Te Rarawa.
- 34.** In addition, Te Rarawa also support the Iwi of Te Aupouri and Ngai Takoto in rejecting the same attempts at resuming their properties and undermining their Iwi mana.

## **Iwi Inter-relationships**

- 35.** It is, in many cases, difficult for any one Te Hiku Iwi to claim a state of full exclusivity over their rohe as a consequence of the morass of genealogical relationships that form the Iwi of Te Hiku o Te Ika. The myriad of reciprocal relationships that arises from several millennia of interaction has produced an intergenerational adhesive, connecting families and communities who have become

inextricably connected by a series of life changing events and circumstances.

- 36.** Within this historical milieu the social organisation of Maori society has evolved into organic social collectives that have, over time, formed the basis for the ongoing survival of our culture and the state of our people. While now expressed as a cliché in most academic circles, the notion of whanau growing into hapu and hapu collectivising into iwi is a solid well established phenomenon. In my view and from my experience, the tribal structure represents the optimal form of social organisation for the peoples of the Pacific, sea nomads peopling the Pacific using ancient knowledge derived from earlier little known cultures. The cultural institutions and pedagogy that have emerged from these migrations and settlements across Aotearoa all have a remarkable consistency and reflect a system of rights and obligations established upon the discernible certainties of genealogical descent and reciprocal kinship bonds.
- 37.** For Te Rarawa, this backdrop of laws, values and mores accompanied the several waka that made various landings in the north. The arrival and subsequent settlement of the western seaboard by Tumoana's descendants (off the Tinana Waka) consolidated the earlier lineages of Kupe, Toi and Tawhaki into a tribal grouping of hapu communities which over the succeeding six hundred years evolved into the iwi known today as Te Rarawa Kai Whare, acquiring its name through utu for the murder of our revered kuia Te Ripo, during the mid-eighteenth century. Ngati Kahu also shares its lineage with Te Rarawa ancestors and through Kahutianui is descended from Tumoana and the Tinana waka. However neither the tupuna, nor the waka have been claimed as Ngati Kahu. Conversely, Te Rarawa would not wish to claim the Mamaru Waka as theirs, or Parata as their tupuna.

## **Making Sense of Tatai**

- 38.** Given the intricacy of the relationships, a method for distinguishing between groupings became necessary as tribal colonies were founded in areas with the greatest access to resources and therefore to the means of production. The whanau metamorphosis into becoming a hapu is easily understood when genealogy is the main driver. However, in consolidating and distinguishing larger and more diverse social groupings, genealogy alone loses its primacy, and other principles and criteria come into play. The purpose for an iwi collective usually determines the terms for its formation which sometimes also includes the lifespan of the iwi and some special ongoing obligations.
- 39.** The Te Rarawa Iwi became consolidated through a confederacy of hapu, all diverse but inter-connected, on account of their participation in common historical events. The purpose for establishing the Iwi of Te Rarawa has been transmitted via our oral histories to be a desire to create a secure network of communities who would work together to ensure that the 'katoa' principle provided the support and resources required for each community's sustainability. Thus the descendants of the eponymous ancestors, Tarutaru and Te Ruapounamu were strategically located in order to establish the presence and power of Te Rarawa leadership in the areas that would combine to form the rohe of the Iwi which was continuing to expand and grow as new events created new opportunities for adding to the hapu and tupuna network.
- 40.** During the leadership period under Poroa, Te Rarawa mana expanded into Te Hiku o Te Ika Rohe as a result of conquest and intermarriage establishing Rarawa dominance throughout Te Hiku o Te Ika. Our oral histories and, more recently, some written history provides insights into the thoughts of our early ancestors in responding to the arrival of the Pakeha.
- 41.** In adhering to the teachings of Poroa, Panakareao and other leaders of the Iwi chose to embrace the advent of an opportunity to access the international arena of commerce and technology



associated with the Pakeha. This was something they immediately recognised the value of, and armed with a religious conviction adopted from the Christian churches, proceeded to create social structures and institutions that, where beneficial, incorporated European values and practices, including the appropriation of English names for leading rangatira. For example, the name Puhipi (for Busby) was adopted by Te Ripi, Kihiringi (for Kissling) by Te Morenga and Kingi Hori (for King George) by Te Kawau. The Maori boarding school structures were modeled off English precedents and even the Kingitanga is a replica of the English monarchy. Whole families of our Iwi were anglicised by zealots leaving a legacy of generations of Ministers imitating the Victorian paradox of the sinner and salvation, the modern remnants of which are the trail of now derelict churches in desperate want of a congregation. The more contemporary fraternity of the priesthood has sought to combat the problem of religious dereliction by Maori communities through the introduction of pre-European Maori religious notions into the Christian family of worship. The use of pagan symbolism to promote Christian theology is a contradiction in terms and a desperate gasp for the oxygen required to sustain the church hierarchy and their lifestyle into the future. The evidence offered by Lloyd Popata is a fine example of this dichotomy revealing the enormity of his faith and the paucity of personal knowledge and experience in his cultural assertions.

- 42.** With the use of whakapapa as the methodology for locating and defining status, Maori communities could, by relying on their unique identity easily establish the social ordering necessary for their survival. In the chronology of Te Rarawa's history, the descendants of Tarutaru and Ruapounamu (our eponymous ancestors) were prescribed at birth as future leaders. Their cumulative roles and responsibilities were actively managed, creating obligations that went with leadership, for example, the avenging of Te Ripo's murder or the acceptance by Kahi (child of Tarutaru/Ruapounamu) of a family decision for him to occupy and settle Whangape lands. Some obligations involved making

war. Te Rarawa, who is named after an act of war, was prominent in historical accounts of both war and peace during the history of human occupation in Te Hiku o Te Ika a Maui. The emergence of Poroa, first as a war leader then as a peacemaker, marked a big shift in the focus of the Te Rarawa Iwi and its developing Rohe, from Hokianga into Te Hiku o Te Ika. Poroa himself led the forces which defeated the mana of the pre-existing iwi from Whangape to Ahipara and Kaitaia culminating in the conquest of the Utia Paa at Hukatere in 1823. Through these processes Poroa established the primacy of the Te Rarawa Iwi across the entire peninsular. He lived long enough to meet the Pakeha and to become adept with a musket which he obtained while supporting Ngāpuhi insurgences around the country. He became, by descent, conquest and occupation, the undisputed Ariki of Te Rarawa before his peaceful death in about 1830.

## **Jurisdiction**

- 43.** There is a consistent theme in the historical presentation of material by Te Rarawa to the Waitangi Tribunal which acknowledges that the first constitutional convergence occurred between our Iwi and the Crown at the signing of He Whakaputanga and later, Te Tiriti o Waitangi. Te Rarawa rangatira signed Te Tiriti at Waitangi, Kaitaia and Mangungu. At Te Ahu (now Kaitaia), Panakareao, in his capacity as the ascendant rangatira of Te Rarawa and sixty others signed at the Missionary Mathews home (which was also Panakareao's home). In the accounts of the meetings and speeches made prior to the signing, there was a clear understanding that Te Tiriti represented a new phase in Te Rarawa's social organisation.
- 44.** This understanding is reflected in the famous metaphor espoused by Panakareao which likened the delineation of rights and responsibilities to a shadow on, but distinct from the essence of, the land. Panakareao is remembered nationally for his quote, "Te ataakau o te whenua ka riro ki te kuini, ēngari te mauri me te mana ka pupuri tonu" which has been translated to mean "as the

shadow of the land is to the Queen, but the substance remains to us”.

- 45.** He thus first asserted that only the shadow of the land had gone to the Queen of England with the signing of Te Tiriti with the substance remaining with his people.
- 46.** Within a year he recanted on his korero declaring that it was in fact the other way around. He revised his whakatauaki to say “Kua riro ko te mana o te whenua ki te kuini ko te ataakau noa ka pupuri ki te iwi”. This has been translated to mean “The authority over the land has been lost to the Queen leaving only the shadow to the Māori people”.
- 47.** The use of metaphor in this way was acknowledged by Pakeha of the time as a measure of sophisticated thinking associated with notions of governance that resembled English concepts of governance and a public good (which Maori refer to as Te Katoa). It also revealed the extent to which the Rarawa rangatira had formed a united approach in their own respective roles and obligations to a collective of Te Rarawa as an Iwi.
- 48.** However, whichever way we interpret Te Tiriti, we as Te Rarawa, are certain that neither the Crown, nor any other Pakeha institution held any authority within our Rohe prior to, and to a large extent, after, its signing. Consequently, we cannot accept that the Crown or any of its organs has any jurisdiction whatsoever within the Rohe of Te Rarawa prior to 1840, and then only very limited jurisdiction after 1840. It would therefore be highly inappropriate for this Tribunal to make any assessment, and/or judgment concerning our place and our people prior to the Crown’s own arrival and constitutional mandate.
- 49.** It follows that the Tribunal is therefore required to acknowledge (on an evidential basis) the sitting jurisdiction and authority of the rangatira Maori culminating in the signing of He Whakaputanga and Te Tiriti. It could not be possible for the

Crown or any of its agencies to track back through pre-1840 history to re-examine or adjudicate upon events that only concerned Maori and, in this case, Iwi of Te Hiku o Te Ika. It might be appropriate to make observations based on the chronology of increasing contact and experiences between Maori and Pakeha prior to 1840, but any jurisdiction is surely impossible. Fortunately, within the stated Te Rarawa areas of interest, (core and extended) there has already been considerable historical research, and the most extensive of these has been in the production of the Muriwhenua Fisheries and Land reports by the Waitangi Tribunal itself.

- 50.** Included in the Te Rarawa evidence is a précis of those reports highlighting the evidence and content of the Tribunal's findings which, in our view, establishes the mana of Te Rarawa rangatira within our identified areas of interest.
- 51.** Having heard and reported on these issues (albeit without specific recommendations on manawhenua) it would be unacceptable in the current arena of hearings to re-litigate existing accounts in a further hearing and introduce new and different notions without the same rigour of peer review by elders and scholars that was accorded to the first tranche of evidence.
- 52.** I have perused the evidence of Professor Mutu and Canon Popata and find that much of the content refers to events and ancestors leading as far back as Noah's ark, far beyond the jurisdiction of the Tribunal. I cannot concede that this information has relevance to this remedies hearing, nor accept that the Tribunal has any role or ability to consider such assertions many generations hence. Moreover, Te Rarawa has never challenged Ngati Kahu's existence and there is no need for their leaders to justify their presence. Therefore, it is difficult to discern the usefulness of the statements, given that there has already been a full Tribunal hearing concerning the areas and issues being described in the evidence which was reported on over ten years ago. Those hearings included evidence from extremely

knowledgeable kaumatua, nearly all of whom have since died. It is ludicrous for me to give any credence to these new statements and examples (which in parts are quite bizarre) against a backdrop of the scholastic integrity contained in the research and rigour of the previous Waitangi Tribunal inquiries. For example, my family live alongside the Arawairua as bearers of knowledge with prescribed kaitiaki roles and responsibilities in relation to it. The assertion by Canon Lloyd Popata describing his beliefs about his portals to the Arawairua is amazing but theologically bereft of authenticity. Nor am I able to understand how a Christian theology espoused by the Canon can be reconciled with a pre-Christian pantheist theology surrounding the actions of the ancestor Kupe who established the Arawairua well over one thousand years ago.

- 53.** In addition, the meta-analysis of Maori notions and concepts cited by Professor Mutu is interesting, but surely peripheral at best, in making a determination about past and present circumstances in relation to our iwi manawhenua within this region. Raising Uncle Maori Marsden from the annals of academia is perhaps pertinent. However, our understandings of his perspective were gained from sitting at his feet, as well as reading his books.
  
- 54.** In any event, it has always been my understanding that the direct negotiations with the Crown culminating in the Te Rarawa Deed of Settlement relate to Historical Claims which have been defined by the legislation as those Te Tiriti o Waitangi Claims pertaining to Crown actions between 1840 and 1992. This is duly reflected in the agreed historical account which limits its narrative to Crown breaches within the historical claim period. While pre Tiriti hapu and iwi demographic chronology may provide some context to these claims, it is difficult to conceive of any Crown agency with the authority to adjudicate prior to the signing of Te Tiriti itself.

## **Ko Te Rarawa Te Iwi**

- 55.** The position of Te Rarawa is clear. We are an iwi established during the late 1600s who trace our origins to all waka of Tai Tokerau with primary emphasis upon the Tinana Waka captained by Tumoana. We have occupied our identified areas of interest since the arrival of Kupe and in this respect share a common history and ancestry with all the iwi of the Hiku o Te Ika. Thus the history and genealogy proffered by the Ngati Kahu statements is also Te Rarawa history and genealogy with each of us having our own interpretations. The story of Ngāpuhi, for example, offered by Lloyd Popata, is well established in the ancient Ngāpuhi wananga as a common explanation of the origin of the Ngāpuhi Iwi.
- 56.** The consolidation of affiliated hapu and spread of the Te Rarawa Iwi into the Hiku o Te Ika is well documented and the genealogical descent lines from Tarutaru and Te Ruapounamu provide the framework for the hierarchy of iwi leadership, the kauae rangatira of the Iwi of Te Rarawa. Their seven children, strategically located across the rohe of Te Rarawa provided the alignment and demographic synergies required to co-ordinate and manage the affairs of the Iwi. The subsequent descendants of these children continued to occupy these regions, culminating in the primacy of Poroa whose mana as Ariki of the Te Rarawa Iwi cannot be disputed throughout Te Hiku o Te Ika right up until his death in about 1830.
- 57.** It is upon the mana and feats of Poroa that Te Rarawa claims its Iwi manawhenua throughout our rohe, which is different in nature to hapu manawhenua.<sup>1</sup> Poroa was a powerful paramount chief of Te Rarawa who made his name through victories in war and in peace. His statesman-like style is emphasised by numerous sayings and adages pertaining to human behaviour and social organisation and these are still utilised in marae

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<sup>1</sup> The issue regarding differences in mana whenua for Iwi are covered comprehensively in my Affidavit, sworn 18 June 2012, that was filed in the Wai 2364, Wai 2366 and Wai 2372 Urgency proceedings –Wai 2364, #A4 and #A4(a), Wai 2366, #A4 and #A4(a), and Wai 2372, #A4 and #A4(a). My 18 June 2012 Affidavit is also being filed in these current Remedies proceedings.

oratory today. For example, at Ahipara, the Roma Marae was established upon his dying whakatauaki which was:

*Kia u ki te whakapono, me aroha tetahi ki tetahi.*

*[Hold steadfast to your beliefs and nurture each other.]*

- 58.** These words of enlightenment were intended to arm his people with a philosophy which would serve them well during the coming period of colonisation. They refer to the abandonment of armed resistance and a focus upon a unified belief system requiring each iwi member to sustain each other into the future. This philosophy formed a cornerstone for future leadership of the Iwi and paved the way for He Whakaputanga, Te Tiriti and the peaceful introduction of Pakeha missionaries and settlers. He was the first of our people to board a visiting Pakeha vessel and as an ally and close friend of Hongi Hika participated in a number of battles between Ngāpuhi and other iwi around the country. While he became acquainted with the Pakeha before his death he never became a Christian. By living to an old age he was able to consolidate the gains of past leaders to pass on to the next generation of Te Rarawa leadership which primarily consisted of his own immediate whanau.

## **Contemporary Presence**

- 59.** Upon his death he selected from among the ranks of rangatira, his heir, who would carry the mantle of his own mana and lead the Te Rarawa people into the milieu of colonisation. There were several candidates, each with their own particular strengths, all of whom had been mentored by Poroa and participated both locally and nationally in campaigns of war and peace. Poroa himself was the fourth child of Ngamotu, who was the third child of Tarutaru and Te Ruapounamu. Ngamotu, and her husband, Te Paa, resided mainly at Okakewai Paa in Takahue until her death in about 1690. The Paa was also occupied by Te Tungutu (who was killed fighting the Aupouri at Ahipara) and Kahi who were

both her brothers. Evidence produced by Malcolm Peri discusses the move by Kahi from Okakewai to Rangiputa in the early seventeenth hundreds and eventually on to Whangape.

- 60.** Our oral history records the reasoning Poroa employed to make his choice of the next Ariki of Te Rarawa and the reasons certain tuakana rangatira of greater seniority were overlooked. He eventually chose Panakareao for his relative youth and his disposition toward the Pakeha culture resulting in quality relationships and posing potential opportunities for Te Rarawa. Even though he was the grandson of Tarutaru and Te Ruapounamu's youngest child (Moria) who was located by Te Rarawa at Peria which was on route from Takahue to Mangamuka where Poroa had lived with Ngarimu Hongi Hika and left his own descendants. Thus Panakareao had a whakapapa which connected him to the eastern seaboard positioning him well to create alliances in order to sustain the mana of Te Rarawa against the colonising regime and the mass arrival of Pakeha settlers. He had also participated as a junior in Poroa's wars and had the ability to raise his own armed force which he did in response to the challenge by his cousin Pororua over Panakareao's selling of land at Mangonui and Oruru. This itself is an indication of both Poroa and Panakareao's mana which reached right across the island to the east coast. It is interesting that the Ngati Kahu evidence refers to their being bystanders, or onlookers to the conflicts that have been clearly already established by the Tribunal's Inquiry. This is a common assertion made by commentators who have little or no power or influence within the milieu of armed conflict. But even after the armed conflict was over, the mana of Panakareao was never challenged and he reigned supreme as the Ariki of Te Rarawa until his death over forty years later. Never once in the course of those decades was his mana or occupation of any area challenged (except by his cousin Pororua) and in the case of Kaitaia not only did he tuku his land to the missionaries, he remained living upon it amongst them until his death in 1856. In this respect he provided a protectorate for the mission and on occasions where the



missionary presence was threatened his mana and mere presence would thwart any possible attack. He was also highly regarded by the Pakeha community and enjoyed the same respect from them as his Pakeha counterparts, Mathews and Puckey.

- 61.** The evidence produced by Professor Mutu paints a picture of Panakareao as a naive native, fallen prey to the vagaries of colonisation and basically perpetrating the whims and wants of the Pakeha. She even goes so far as to suggest that Panakareao had no rights within what she describes as the Ngati Kahu rohe and in doing so exposes the inadequacy of her own provenance and evidence of mana over any of the whenua to which Panakareao held mana. Being of Ngati Te Ao, a hapu of Te Rarawa, his ties to the land were uncontested then and have remained that way until the advent of this opportunity to attempt to rewrite a revisionist view of iwi history in an attempt to justify her contemporary and flagrant land and power grab.
- 62.** It is clear that Panakareao was a paramount chief of Te Rarawa. In support, I set out below a selection of passages from the Evidence of Mr Rima Edwards, an important Te Rarawa rangatira, given in the Muriwhenua Land Claim Inquiry on Panakareao:

...Panakareao had mana atua which descended to him from Io-Matuategore through his ancestors and he also had mana whenua handed to him by Poroa. **He was the most important leader, te tupuna nui, in Muriwhenua in the 1830's, the 1840's and the 1850's. Ko ia te mana, mana whenua o tenei wahi. He held the power and the authority in this area at the time the Church arrived until his death.** As such, he was the kaitiaki of the land and people. As kaitiaki he was required to protect the rights and interests of his people [emphasis added].<sup>2</sup>

...Te Kaka was still alive, living at Kaitaia, when Panakareao was te tino rangatira o Muriwhenua. That means that he passed a lot of his mana to Panakareao. **For a father to whakaiti himself to his son in his lifetime like that was not done lightly, He would not have done it unless he**

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<sup>2</sup> Wai 45, #F23, para 2.2.

**had absolute faith that his son could carry that mantle** [emphasis added].<sup>3</sup>

...When Panakareao signed the Treaty of Waitangi **he believed that he held the arikitanga fixed in the land by Kuipe. That was the mana and arikitanga under which he lived** [emphasis added].<sup>4</sup>

...Panakareao spoke in favour of signing the Treaty of Waitangi. There were many of our ancestors who opposed the signing. Panakareao stood up to address the people....**After Panakareao spoke, no one rose to contradict him.** All the rangatira present signed the Treaty, including Te Huhu, Te Matenga, Te Ripi and Panakareao's wife Ereonora [emphasis added].<sup>5</sup>

- 63.** Panakareao had clear mana whenua over his lands. This is demonstrated, for example, by his tuku of land to missionaries:

Not all of the rangatira of Muriwhenua agreed with giving land to the missionaries....Te Huhu did not agree to give them land, Titore Takiri did not agree. Te Ripu agreed and Te Morenga did not say anything against it. **Panakareao however had no doubts and he went ahead under his mana as te tino rangatira.** The land he tuku'd for the mission station was land belonging to his own whanau and hapu in and around his kainga of Te Ahu [emphasis added].<sup>6</sup>

When Panakareao tuku'd the land at Te Ahu to the missionaries, he was allowing them to live on it as part of his whanau and hapu, inviting them to share his life and community. **He welcomed them into his hapu, to live and enter into exchange with his people. He accepted the responsibility to care for them and their families as he did for his own people.** Well after the missionaries had presented all those goods to Panakareao and the other rangatira, some of the rangatira came and tried to take the land back. Te Huhu came and said: "This is our land". When they did that, Panakareao protected the missionaries through word and deed... [emphasis added].<sup>7</sup>

This tuku whenua by Panakareao meant that the missionaries got all the benefits of the land; they could do things with the land, such as build on it, cultivate it, use the trees....**But the ultimate mana remained with Panakareao...To tuku land was an affirmation of his mana...** [emphasis added].<sup>8</sup>

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<sup>3</sup> Wai 45, #F23, para 2.4.

<sup>4</sup> Wai 45, #F23, para 3.2.

<sup>5</sup> Wai 45, #F23, para 6.2.

<sup>6</sup> Wai 45, #F23, para 4.4.

<sup>7</sup> Wai 45, #F23, para 5.

<sup>8</sup> Wai 45, #F23, para 5.2.

Some years afterwards but before the signing of the Treaty of Waitangi, Titore Takiri challenged Panakareao, suggesting that he had surrendered his mana to the missionaries along with the land. Panakareao replied: "Hore kau i hokoa e au to whenua engari naku i tuku i runga it e aroha, taku tuara ki Te Reinga." That is, "I did not sell the land but I gave it out of love, my back to Te Reinga."...In saying "takutuara ki Te Reinga, Panakareao was saying that he had not dispatched the wairua of the land as if it had died. **The mana whenua was alive and active; he still held it** and he expected that the land would eventually be returned [emphasis added].<sup>9</sup>

Immediately before his death, Panakareao returned to Te Ahu to die. This was very significant. Having taken ill at Oruru, it was his wish to come back to Te Ahu to die. **He would not have done that if he did not firmly believe that he still held the mana at Te Ahu. No chief would choose to die on land over which he had no mana.** This single act above all others, confirms in my heart that Te Ahu lands were never alienated in the Pakeha sense [emphasis added].<sup>10</sup>

- 64.** Dr. Manuka Henare is providing evidence to the Tribunal relating to this period and provides further information and insight into the nature of Iwi leadership structures and institutions as they evolved through a process of colonisation. In his evidence, the importance of He Whakaputanga will be described and the phenomenon of a rising political consciousness, fuelled by international notions of nationhood and the efficacy of good government. Panakareao himself had written to King George in 1834 requesting his intervention as a governance protectorate for Te Rarawa activities. Papahia, Te Huhu, Te Morenga and Panakareao, are the four principal Te Rarawa Signatories who are known to have signed He Whakaputanga. They form part of a genealogical descent group which is termed the kauae Rangatira, the jaw of aristocracy.
- 65.** Panakareao and his cousins Papahia, Te Huhu, and Te Morenga all recognised the significance of signing the Declaration of Independence and did so indicating a premeditated move toward iwi and national unity under the Whakaminenga.

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<sup>9</sup> Wai 45, #F23, para 5.3.

<sup>10</sup> Wai 45, #F23, para 7.3.

- 66.** Te Tiriti was signed by Te Rarawa Rangatira at three locations. Hakitara signed Te Tiriti at Waitangi on 6th February 1840. There were more signings on the 12th February at Mangungu, and again at Kaitaia on the 28th April 1840. Panakareao and his wife Erenora signed at Kaitaia, along with Te Huhu and Papaahia at Mangungu, the biggest signing. In addition, other Te Rarawa chiefs who signed at various locations were: Te Toku, Papahia, Takiri, Wiremu Tana, Te Tai, Wiremu Patene, Matenga Paerata, Puhipi Te Ripi, Rawiri, Whiti, Hua, Te Uruti, Pangari and Te Reti.
- 67.** The signing of Te Tiriti at Te Ahu was in fact a culmination of a series of constitutional thoughts and actions which were to be guaranteed by Te Tiriti. As descendants of Te Morenga who are affiliated to a marae which is a legacy of Poroa, our understanding of the history and intentions of our forebears is utterly consistent with this approach to constitutional advancement.
- 68.** Panakareao had also exercised his mana to instruct his own, and his wife, Ati's, burial at Takahue in order to help prevent its future sale. But they were both subsequently disinterred by Crown Commissioner White who then proceeded to purchase Takahue as very desirable farmland for Pakeha settlers. It is obvious from the lack of interest, knowledge or participation by the rangatira of the time who were not Te Rarawa, that even after Panakareao's death they had insufficient mana to exercise any power or control over events of great importance to the area and the people, much of which now lies within what Ngati Kahu is claiming as their area of interest. Panakareao himself was reburied at his residence in Kaitaia, the very land he had tuku'd to Mathews and eventually buried under the altar of the church fulfilling a sacred Christian protocol of interring saints and other important icons beneath such places to increase their sacredness. Once again there was no comment from the spectators identified by Professor Mutu and Mr. Popata as their respective tupuna, so even after his death they never had the mana to affect or effect the course of events in Kaitaia, Takahue, or Okahu. Lloyd Popata

even goes as far as to deny much knowledge of Panakareao, which is ironic for a priest of the very church that has Panakareao buried in its most tapu of locations, under the altar. It is easy to cast aspersions upon ancestors after over one hundred and forty years have passed, because things can be re-interpreted and misinterpreted without the benefit of balanced and informed cross examination.

- 69.** Having been raised up in status by Poroa to the senior leadership role of Te Rarawa, Panakareao began to describe himself as the representative of Te Rarawa and this is an indication of his iwi leader status. In signing Te Tiriti in 1840 he identified himself as Te Rarawa (as opposed to other rangatira who identified themselves by hapu or by place name). There is no hapu that has ever been called Te Rarawa, therefore within this mesh of hapu and iwi dynamics, are expressed the subtleties of Maori leadership leading up to and into the signing of Te Tiriti. History has recorded the success or otherwise of Panakareao's leadership, however it is an undisputable fact that for well over thirty years, up until his death in 1856, Panakareao represented and led the Iwi of Te Rarawa through war and peace, in the same vein as his matua Poroa. Once again this period spanning decades has been well documented in several publications including the Tribunal's own Muriwhenua reports. One may, with the benefit of hindsight, question the direction of his leadership of our people, but one may not question the fact that he was a very powerful Te Rarawa leader at that time over our entire Rohe.
- 70.** This theme was continued by Te Ripi Puhipi who continued to provide leadership for Te Rarawa from his home at Pukepoto. The evidence of Hekenukumai Puhipi will discuss the role and influence of Te Ripi and his relationship to the leadership structure of Te Rarawa. He will also describe how the mana of Te Rarawa has been maintained unbroken within the areas of interest described by Te Rarawa and some of the activities and actions by his and other tupuna taken to preserve that

manawhenua interest. Most of these activities did not involve making war. They were around issues like the theft of Lake Tangonge, and the unreturned scrip lands at Sweetwater, which involved presenting petitions and conducting inquiries protesting about their unjust acquisition by the Crown for the benefit of the Pakeha. Once again it seems the observers referred to by the Ngati Kahu evidence were not active participants but commentators, watching on as Te Rarawa pleaded our cases of natural justice. Thus generations of Te Rarawa effort and resources have been expended culminating in the preparation for their current claim settlements. The new contention by Ngati Kahu of an expanded area of interest overlapping these lands is purported to rest on the Te Paatu hapu interests which have only more recently come to light. I find this assertion perplexing as Lloyd Popata has been involved in Ngati Kahu claims and negotiations for some years as a leading historian and kaumatua with strong Te Paatu affiliations, he has never once raised these assertions at the Hiku Forum or other Iwi Hui that I have attended. These areas which have been included in the Te Rarawa Deed are our kainga which have been prioritised by the Iwi through a rigorous consultation process with Marae and Hapu.

- 71.** Two of the sites (Kaitaia and Takahue) are designated as marae reservations and in conjunction with the existing Komiti will become new Marae communities who would have an ability to affiliate to Te Runanga o Te Rarawa. This is not a requirement of the vesting. With the thought and involvement of the local community in these vestings and redress mechanisms, it is extremely difficult to countenance a counter claim of iwi manawhenua enforced through a Crown agency and process which was designed to protect us.
  
- 72.** Making an application to resume certain lands under the Treaty of Waitangi Act has long been considered by the Iwi of Te Hiku as an option of last resort, should negotiations fail to meet our needs in settlements. In the course of these discussions, the necessity for a synchronised approach by individual Iwi has been

paramount in order to ensure that none of the Iwi is prejudiced by the actions of the other. This was reflected in the agreed principles of the Forum and created the expectation of a collaborative approach which was warmly embraced by four of the Iwi who remained with the Forum after Ngati Kahu abandoned it. They did not consult, nor it seems, consider us in their current application except as imposters and exposing their real intentions to empire build at the expense of the resident Hapu and Iwi. It would be an absolute irony and tragedy if the Tribunal were to give life to the fallacy and create a fresh injustice for our Iwi to deal with.

- 73.** Te Rarawa the Iwi, represented by the Runanga as the mandated body, is a living organisation engaging with marae communities, comprising our thirty hapu, who are centred around marae identity and affiliation. We have utilised these communities as the building blocks of our Iwi infrastructure. The strength of the Marae as a pre-European institution provides an ideal focus for the communal elements of our existence as Iwi Maori. It also enables all marae community members to participate in iwi affairs through their marae on a relatively equal basis, wherever they may be in the world.
  
- 74.** Over the past twenty two years, the twenty three delegates who each represent their respective marae have worked hard to reconstruct the institutions of our Iwi infrastructure in order to support and provide real opportunities for current and future generations of Te Rarawa Iwi members. We have now re-established our Iwi infrastructure and self-governance systems. The historic attempts by the Crown to eradicate hapu and iwi pedagogies had severely impeded our ability to sustain our mana motuhaketanga. Instead iwi members developed reliance upon a monetary regime which promoted their individuality over their collective obligations. And in the pursuit of private property and space, we have abandoned the institutions of our forebears and the spiritual and intellectual autonomy of a Maori world view.

- 75.** Within the milieu of contemporary New Zealand society individuals, and to our detriment, iwi members have aspired to become 'kiwi' and the price of citizenship has been high. Disparities in health, education, housing and criminal offending have created new imperatives and challenges for iwi members and iwi authorities as we grapple with socio economic factors and drivers over which we have had very little control or influence.
- 76.** In the long term, self-government, at an iwi level is the only way out of these problems. As an iwi, Te Rarawa has been addressing the immediacy of these problems through providing social and community services to our Whanau and communities.
- 77.** The Deed of Settlement that has been agreed between Te Rarawa and the Crown contains an acknowledgement of this area of need and the Social Development Accord provides, for the first time, an opportunity to ensure that the strategic intent of key government agencies is properly aligned with that of the Iwi. The need for this element within the Deed is predicated upon the view that the settlement of historic claims would be undermined significantly by the continuation of disparities among all the important indicators of socio economic deprivation.
- 78.** The purpose of an iwi differs markedly from that of a hapu, however the outcome remains the same; the prosperity of its membership. In the instance of Panakareao's iwi leadership he constantly sought new ways and opportunities to provide for his people and in the midst of colonisation this meant that these paths often took him towards Pakeha models requiring the adoption and adaptation of new understandings by the Iwi leadership. He spoke strongly, at the signing of Te Tiriti, about the need for all parties to be one heart which I attribute to mean a call for solidarity between Maori, Pakeha and the Crown in order to achieve nationwide prosperity. He, alongside his elder cousins Papahia, Te Huhu and Te Morenga, signed He Whakaputanga in 1837. This indicates their collective decision as leaders of the Te Rarawa Iwi to support the notion of nation-building. Their subsequent actions in response to the tsunami of



Pakeha immigration affirms that aspiration, as do the consequences of the blatant Te Tiriti breaches which became the generational burden of claim after proven claim and inquiry after inquiry right down to this present moment. This began with the reversal of Panakareao's adage and progressed with letters and petitions pertaining to specific grievances and generic policies which were considered detrimental by rangatira of Te Rarawa including Timoti Puhipi, Te Morenga, Herepete Rapihana (and others) who consistently complained of broken promises and a betrayal of intent.

**79.** Thus the institution of the Te Rarawa Iwi infrastructure established by Tarutaru and Te Ruapounamu has survived through the generations, in varying forms, continually adapting to meet our contemporary needs. The period of Poroa's leadership witnessed the first exchange between Iwi Maori and Pakeha and it was during Poroa's leadership that the Iwi chose to abandon the strategy of warfare and take up the banner of aroha espoused in his ohaaki concerning Te Whakapono and Te Aroha. These are the very same concepts proposed by Tawhiao in his decision to lay down arms as a strategy for ongoing survival. Poroa already had an association with Potatau Te Wherowhero as a result of a hohourongo he facilitated on Te Wherowhero's request. A relationship was maintained with the gifting of rangatira children and through intermarriage between Tawhiao's own Whanau and rangatira Whanau of Te Rarawa. Through these whanaungatanga relationships political understandings would have inevitably been shared and discussed, including the notion of averting war in favour of a new era of development.

**80.** It was also Poroa who first promoted the benefits and potency of Maori and Pakeha paradigms working together toward common goals and objectives. This was best expressed in his deathbed whakatauki, as set out earlier in my evidence:

*Kia uu ki Te Whakapono, me aroha tetahi ki tetahi.*

*[Hold steadfast to your beliefs and nurture each other.]*

This adage is the principle value statement of the Roma Marae at Ahipara and does not just embrace iwi Maori, but also iwi Pakeha. This ohaaki alludes to a path of peace and dialogue which Poroa as Ariki of Te Rarawa proposed as being necessary to ensure the ongoing sustainability of the Iwi. His selection of Panakareao to be raised up as the rangatira to take his place as the titular head of Te Rarawa also reflected his view that the new world required new types of leaders who were as skilled in diplomacy as they were in war.

- 81.** This was evident in the coalescence of iwi consciousness and gathering of momentum among the leadership to sign a Declaration of Independence, He Whakaputanga. The collective of Te Rarawa rangatira who did eventually sign included Panakareao who had entirely embraced the new way forward. The evidence of Margaret Mutu portrays Panakareao as almost subservient to the Crown and Pakeha missionaries will, but our oral histories indicate the absolute opposite. The missionaries were in fact utterly dependent upon the goodwill of Panakareao as their protector.
- 82.** In any case Pakeha were very much the minority and according them power in their relationship with tangata whenua is purely academic revisionism. Even as late as 1845 Panakareao was able to raise an armed force to send to the battle at Kororareka in the Bay of Islands but the force was so underwhelming in numbers, 14, it spoke more of an aversion to warfare rather than a preference for it. These fragile times hailed the end of an era, and the beginning of the entrenchment of Pakeha power and presence. The increase of arrivals of the Pakeha post Te Tiriti would cause a massive shift in power arrangements and eventually result in the Crown's economic and political ascendancy creating the socio economic conditions for the systemic deprivation of Maori communities left almost bereft of iwi infrastructural support.

- 83.** In this respect, I acknowledge the evidence of Professor Mutu in relation to the systematic economic, political and cultural deprivation of the Far North and she paints an accurate picture of the institutional racism which pervaded the colonial regime beginning with the cross and ending with the sword. However the evidence presented is of a generic nature and applies equally to all Iwi of Te Hiku o Te Ika with regional variations. Given the power of the coloniser and their institutions, it is clear that the foresight of Poroa may well have saved the cost of many lives and numerous opportunities for hapu and iwi prosperity.
- 84.** Thus, the theme of seeking unity in diversity was continued by Panakareao culminating in his nurturing of the Missionaries and his (and others) signing of He Whakaputanga and Te Tiriti o Waitangi in 1840. This principle has been retained ever since as an unbroken thread of adherence to Te Tiriti and to our hapu and iwi aspirations for Tino Rangatiratanga. This can be discerned in the actions of successive generations of Te Rarawa leadership from Panakareao to Te Ripi Puhipi, to Riapo Puhipi, Timoti Puhipi and Hekenukumai Puhipi, who is currently acknowledged as the most senior rangatira of Te Rarawa alive today. That is certainly how Panakareao and his wife Erenora would have viewed the situation as war raged against other iwi around the country.
- 85.** After Panakareao came Puhipi who has held the manawhenua voice over the Rohe we have identified and the areas of overlap claimed by Ngati Kahu Iwi as manawhenua. The capacity to regulate as iwi leaders in Te Rarawa was being constantly eroded by legislative creep, based on an assertion of sovereign right that is currently being challenged by Te Rarawa via the Wai 1040 Te Paparahi o Te Raki Claim. In this claim, Te Rarawa contends that the anglicising of Te Tiriti brought about its demise and undermined the formation and maintenance of new constitutional arrangements by rangatira Maori decided in 1835.
- 86.** As our authority continued to be diminished and usurped by central government and then by local municipalities, Iwi leaders

struggled to sustain a coordinated iwi wide response to the threats of colonisation. The collapse of social organisational structures accompanied the loss of land and resources with each broken promise contributing to a wave of colonisation that has been repeated all over the world. In spite of these struggles various iwi leaders maintained the presence, and at times, potency of the Te Rarawa Iwi during times of great adversity firmly holding to what they had considered a most sacred covenant in Te Tiriti o Waitangi (not the English Treaty of Waitangi which no rangatira of Te Rarawa has agreed to or signed). Part of their obligation to that covenant was to contribute to the first and Second World War effort. This meant sacrificing their sons upon foreign battle fields en masse which had an immeasurable impact upon the ongoing sustainability of our whanau, hapu and iwi communities. Once again Professor Mutu has described these circumstances of social deprivation well, and the levels of deprivation and multi-tiered disparities that she has described are an accurate reflection of our current poverty in our own land.

- 87.** But we have survived, and arraigned throughout our more contemporary history are icons of enterprise who have featured in our continuous and persistent attempts to gain access to the regional economy and the benefits that would flow from it to our communities. But an iwi economic and political platform continued to elude us with our lands finally becoming shattered by the Maori Land tenure system into individually owned portions of shares, not land, in preparation for alienation.
- 88.** During 1937, Riapo Puhipi in his capacity as rangatira of Te Rarawa led a commemorative event for the region which is marked by a marble statue at Remembrance Park in Kaitaia. This was a manifestation of Te Rarawa commitment to the partnership envisaged by Te Tiriti and perhaps an expression of the tension contained in Panakareao's argument between the land and the shadow of the land resulting from Te Tiriti. This commitment has never been reciprocated by the Crown until now in the form of

direct negotiations. But after generations of sacrifice, commitment and resources allocated to fighting for the recognition of Te Rarawa interests we find in the current application for Remedies that others who have remained silent for generations, on the sidelines of these struggles, now turn up to claim mana from these events.

- 89.** Moreover, when Te Rarawa and Te Aupouri fought the legal battle for Te Oneroa a Tohe in 1956, a sustained fundraising campaign was initiated among our already impoverished communities in order to meet the legal costs associated with taking the case. In none of the evidence produced by Te Rarawa or Te Aupouri is there any mention of Ngati Kahu Iwi manawhenua interests. It is simply remarkable that an east coast iwi like Ngati Kahu can now credibly contest the hundreds, perhaps thousands of years of our manawhenua presence within these, our identified areas of interest. Eventually our legal campaign for establishing our ownership of the beach faltered upon the lack of funds. Perhaps if Ngati Kahu had indicated any interest then that may have made the difference to raising the required funds. The opportunity for Ngati Kahu to also have proffered evidence of their own was there at the time, but they did not, because they could not, as they did not have manawhenua there.
- 90.** Even during the hundred years or so of petitioning politicians and parliament by Timoti Puhipi, then Herepete Rapihana (and others) on behalf of Te Rarawa there was no successful assertion by Ngati Kahu of manawhenua interests around Tangonge.
- 91.** However, there has always been an assertion of whanaungatanga interests which, where they do exist, are held in shares to lands much of which has since been alienated. The remaining Maori owned land at Tangonge is held by Trustees who are mainly the descendants of Te Rarawa and Te Aupouri. On the basis of our whanaungatanga to all other iwi including Ngati Kahu, an area had been set aside at a place we called Hollywood, near Tangonge, for non-permanent housing of transient workers from around the district.

## **Te Rarawa Manawhenua**

- 92.** I have already described how the Te Rarawa authority for Kaitiakitanga is drawn from our ancestral affiliation to Atua Maori and the korero of the Wananga which describes the creation of the Universe including human beings (Maori ones anyway). This is reflected in the Manawhenua Statement which establishes iwi manawhenua over conservation lands contained within our areas of interest. The vexed question of determining manawhenua interests has long been at the forefront of iwi dynamics in Te Hiku o Te Ika and this is due to the interconnectedness of successive waves of occupation and settlement.
- 93.** It was the central issue in the development of the old Te Runanga o Muriwhenua and also in its demise as the mandated claimant for Te Hiku o Te Ika. In fact the pursuit of iwi manawhenua could be held up as the single most important factor in hindering the progress of any claim settlements over the past twenty or so years. This was especially the case during the period that the Crown chose to negotiate on an iwi by iwi basis generating a fierce independence and insular thinking among iwi. The result was a logjam of claim settlements, each iwi reliant upon the other for enough support to proceed.
- 94.** The solution was obvious and a multi iwi forum was initiated and established with the support of the Crown to facilitate further progress, at least in the areas which all the iwi had in common. The Te Hiku o Te Ika Forum ("the Forum") was an operational, but not a legal entity, and only existed to serve the purposes of the participating iwi in progressing their respective settlements.
- 95.** At first the Forum made good progress facilitating significant areas of agreement with informed and robust discussion. But as all the low fruit in the relationship was picked, the underlying issue of manawhenua interests re-emerged to test the integrity and rigour of both the processes and the iwi representatives

involved. The importance of the issue has always been acknowledged by all iwi participants and it has flared up at various junctures in the negotiations between parties as we have tried to allocate interests in jointly held assets without addressing land ownership, or manawhenua. The Aupouri State Forest is a good case study of this phenomenon. In addressing the ownership structure and management arrangements for the forest lands and forestry licenses, it immediately became clear to negotiators that the combined claims far exceeded the available redress and significant compromises would need to be made if all were going to fit within an equitable formula.

- 96.** At that stage Ngati Kahu representatives had conceded a lesser interest in the forest and had not claimed as far as Te Oneroa a Tohe. This occurred later with their asserted expanded area of interest. Recognising the relevance of manawhenua determination to this possible formula, led the Forum members to propose a manawhenua framework. Over a period of almost two years Forum members, including Ngati Kahu, constructed a comprehensive framework and process that could be utilised to progress manawhenua issues. Once completed, that framework was taken out to all four iwi with the fifth (Ngati Kahu) abandoning the process on the basis that they would not accept an adjudication default clause where there was no agreement reached. The hui held among iwi constituencies were well attended and the issues thoroughly debated with each of the hui mandating both the framework and the process.
- 97.** This undermining of the initiative has cost the remaining Forum Iwi considerable momentum in achieving settlement because a manawhenua process needs all parties to buy into it, in order for it to succeed. This is especially so, as the actions of the undermining party intrude so significantly on the manawhenua of the other iwi.
- 98.** Eventually, and in hindsight, inevitably, Ngati Kahu extracted itself from the Forum, and consequently, from the strategic

direction the Forum had chosen to take in progressing our negotiations. The stratagem for writing their own partial deed of settlement without the involvement of the Crown or the other Te Hiku Iwi was at complete odds with the Forum's work plan which included implementation milestones and joint agreement on redress mechanisms as we worked our way through the areas of redress referred to by the Te Hiku Agreement in Principle agreed in 2010. In fact the Forum and its member Iwi were publically criticised by Ngati Kahu leadership for letting the Crown write our Deeds and being compliant in our discussions. I found this criticism insulting and lacking in insight about the machinations involved in getting to a settlement. In fact I have found that a weekly string of vitriolic attacks on our iwi and negotiation team members by Professor Mutu reveals a level of disdain that can only be described as anti-iwi. Nevertheless, Forum members persisted with our work programme and eventually three of the four remaining iwi got to the point where we were prepared to initial a Deed of Settlement. The fourth Iwi, Ngati Kuri, has yet to reach agreement but I am confident that in light of the work already done, this will eventuate sooner rather than later.

- 99.** In contrast, Ngati Kahu took a long time to complete their supposed partial Deed which differed significantly in template and form to that which we had agreed to progress with the Crown. They obviously thought their approach was better than the one chosen by the rest of the iwi and by this time they had completely exited from the Forum leaving the membership perplexed and uncertain about the future. Having chosen their own path they did not consider it necessary to share or consult with any of the remaining Iwi about their intentions. However, in communicating to our Iwi constituencies, they accused the Forum of having excluded them. This was certainly not the case and Forum information was consistently made available to them on our IT platform (which they could and did access) as well as letters written seeking to engage. They simply would not, knowing that this would effectively slow our work down and begin to erode our mandate which they were also complicit in.



**100.** In order to make progress, Forum members decided to proceed to make decisions about the allocation of bi-lateral and multi-lateral assets while transparently leaving opportunities for Ngati Kahu negotiators to realise their interests in a commensurate way. This was difficult to achieve with an Iwi who refused to engage. Therefore, based on each of our own Iwi oral histories and on the evidence of historical research it became necessary to make decisions that could move us forward. There were areas upon which we all agreed that Ngati Kahu would not be able to establish iwi manawhenua and these included Te Oneroa a Tohe, Tangonge, parts of Kaitaia and the Sweetwater Farms. There were also areas in which we recognised that our interests overlapped, requiring creative redress mechanisms. In the Te Rarawa Deed of Settlement we have been conscious and careful not to impose upon Ngati Kahu manawhenua interests as we understand them and remain open to a post settlement manawhenua determination process.

## **Achieving Equity**

**101.** For Te Rarawa, equity is defined by our ability to achieve prosperity for our community constituencies and membership. In this respect Treaty settlements are only one aspect of our Iwi development, although we are involved in a number of claim arenas. More important are our strategic and operational goals which give shape and form to our Iwi. Our Iwi history is well established and the formation of the Runanga o Te Rarawa was the most recent manifestation of our Iwi identity. The Runanga represented a confederacy of hapu each with their own unique histories but already united by the events and actions of our forebears culminating in the mana of Poroa, leader of the Rarawa.

**102.** Over the past twenty two years, the Runanga has held an iwi mandate for Te Rarawa based on marae representation. Over the decades the Runanga has jumped every hurdle and ticked every

box in establishing our mandate, both with the Crown and ourselves. Therefore an important principle of equity for us, is a history of contribution. The Runanga has invested enormous resources in progressing this claim to the point of a Deed of Settlement and ought not to be subjected to last ditch efforts in legal gamesmanship. The Deed, like other platforms of iwi development, is directly wired to the elements of the Iwi organisation and has a perceptible impact upon our Hapu and Whanau every day that it is not implemented. This is not an academic exercise, it is happening in real time and every asset threatened by this process is threatening the future of our children and grandchildren who live on these lands bereft of their heritage and robbed of their potential. The application made by Ngati Kahu to resume the lands already contained in our and other Te Hiku Iwi deeds is a predictable end point given their behaviour over the last two years. It reveals an avarice that often accompanies bad decision making but its intent to stymie the progress of the other four Iwi in Te Hiku is its greatest flaw. It signals a complete lack of preparedness and good faith on the part of Ngati Kahu representatives to collaborate with other Te Hiku Iwi except on its own terms, which in my experience have not been negotiable.

- 103.** In stark contrast, Te Rarawa has made our very best endeavours to ensure that the interests of Ngati Kahu as we understand them are protected. In their evidence both Lloyd Popata and Margaret Mutu point to the fact that certain properties contained within our core area of interest in Kaitaia were not included in our Deed therefore we must consider them to be within their area of interest. In actual fact, if the Kaitaia properties were divided on a true manawhenua basis, the result would be unbalanced in terms of allocation and perceived as inequitable. A final agreement would probably elude the parties in any event, resulting in no outcome.
- 104.** During the course of our somewhat dysfunctional relationship, not for want of trying on the part of the other Forum members,

we did, at one stage, propose to Ngati Kahu a tripartite relationship, sharing the Kaitaia properties between the three Iwi who had strong associations to Kaitaia. The agreement was never concluded and a sharing arrangement involving the Kaitaia properties was then proposed to the Minister of Treaty Negotiations which created a three way apportioning of land and value to the respective Iwi. The properties not contained in our Deed of Settlement have either been designated for Ngati Kahu or Ngai Takoto and evidence presented by Paul White, one of our elected negotiators, will outline the process and outcome of these discussions.

## **Conclusion**

**105.** Te Rarawa is an Iwi of pre-European vintage who have maintained an unbroken iwi presence within our stated areas of interest since the time of Poroa. The Runanga o Te Rarawa holds a mandate to negotiate on behalf of the Iwi of Te Rarawa and has successfully ratified our Deed of Settlement. The Runanga consists of twenty three marae communities and delivers significant services to Te Rarawa and other communities in the region. The Deed of Settlement has been tailored to meet key strategic goals and outcomes associated with the wellbeing and prosperity of Iwi constituencies. Delays and threats to the Deed have a direct impact upon the operational activities and priorities of our iwi organisation and therefore on the wellbeing of our people. We are living our dream which is being turned into a nightmare through the actions of the Ngati Kahu leadership who maintain an arrogance in purporting to be the oracle on matters that pertain to Te Rarawa.

Tena whakamaua kia tina, hui e taiki e.

*Haami Piripi*

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**HAAMI PIRIPI**  
**22 August 2012**