

IN THE WAITANGI TRIBUNAL

**Wai 2700
Wai 1673**

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Mana Wāhine Kaupapa Inquiry

BY Awhirangi Panehina Lawrence

BRIEF OF EVIDENCE OF AWHIRANGI PANEHINA LAWRENCE

30 June 2021

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Waitangi Tribunal

30 Jun 2021

Ministry of Justice
WELLINGTON

I, **AWHIRANGI PANEHINA LAWRENCE**, Educator, of Whangaroa, state that:

I dedicate this evidence to the memory of my grandson and husband.

Introduction

1. I present this evidence in support of the Wai 1673 claim by Louisa Collier in this Mana Wāhine Inquiry.
2. My evidence will explain how colonisation ignored and destroyed the position and role of tūpuna whaea, or ancestral women, in Whangaroa. Hapū and whanau were significantly affected by land alienation in Whangaroa, some even breaking apart. The deep effect this has had on our wāhine Māori and tamariki is something I have personally experienced.

Whakapapa, Hapū and Relevant Land Blocks

3. My whakapapa on my father's side is attached as **Annex A**.
4. I have whakapapa connections to the following hapū within Whangaroa:
 - a. Ngāti Kawau;
 - b. Te Kaitangata;
 - c. Ngāti Haiti;
 - d. Ngāti Paruru;
 - e. Ngāti Kahu iti;
 - f. Ngāti Mokokohi;
 - g. Ngā Puhi;
 - h. Ngāti Kahu;
 - i. Ngāti Awa;
 - j. Ngāti Ruamahue; and
 - k. Ngaitupango.

5. These hapū have various interests in the following land blocks, to which this evidence relates:

- a. Tauranga Bay OLC 802;
- b. Kahikatoa;
- c. Pararako;
- d. Pumanawa;
- e. Katikati;
- f. Waitangi OLC 802;
- g. Kairawaru;
- h. Otengi;
- i. Matangirau;
- j. Te Touwai;
- k. Waitapu OLC 383-385;
- l. Hopekako;
- m. Okura;
- n. Mataraka;
- o. Kuwaru;
- p. Taupo; and
- q. Kowhairoa.

Tūpuna Atua

- 6.** I was raised with the matauranga and heritage of how Whangaroa Harbour was formed. I was taught creation stories as real as the air we breathe, because we can see, smell and feel the reality of those tūpuna atua all around us. Their existence is etched into Whangaroa's landscape and ingrained into our environment. When I get up in the morning, I see Te Huia, Wakaari and our Pa Ohautieke. If I look to the sea, I see Wairau, Matangirau, Waihi and the tihi of Ohauroro Pa. On my regular drives to Kaeo, I pass Ohakiri towering above me with the full view of Taratara and Maunga Emiemi in the distance, straight across the Harbour. Wherever I go in Whangaroa I am forever reminded of who our tūpuna Atua are. Please see **Annex B** for a map of the area.

Atua Whaea of Whangaroa

- 7.** For Māori our Atua whaea began with Papatuanuku. She is the ultimate role model for wāhine Māori. She portrays the nurturing aspects of a mother, and it is through the fruits of her labour that we exist.
- 8.** Papatuanuku slept with Ranginui and conceived Tane Mahuta.
- 9.** Tane Mahuta slept with Hineauone and conceived Hinetitama.
- 10.** Hinetitama slept with Tanemahuta and conceived Tangata Māori.

- 11.** The following section addresses:
- a.** the traditional role of tūpuna whaea;
 - b.** how whenua within the Whangaroa rohe were passed down the generations through tūpuna whaea;
 - c.** how this role of our tūpuna whaea was blatantly disregarded and ignored during the early settler period in Whangaroa; and
 - d.** how this disregard flowed on into various land alienation processes.
- 12.** Traditionally, wāhine Māori held integral roles for the health and welfare of their iwi. The first-born wāhine Māori in chiefly families were given specific roles and seen as tapu (sacred).
- 13.** Their status as puhi, or virgins, was intensely guarded by the hapū. Many were destined for tomo, essentially, arranged marriages. These wāhine Māori were entrusted with the fundamental role of giving birth to the new, or next, hapū. They would be situated on tūpuna land and predetermined tane brought in for the tomo. This tane was usually from a reputable male line, whose whakapapa and credibility could produce a powerful hapū.
- 14.** The existence of some hapū was sometimes reliant on the right choices being made to form strong alliances through the tomo. Other hapū, maintained security through inter-marriages within their whakapapa.¹

¹ M. Cook, 2012.

15. Traditionally, it was the women who were bequeathed land and held mana whenua status. This was to ensure that lands were not lost through marriages. Mana Whenua status is inherited through whakapapa, birthrights to the area, and toto, bloodlines to an area.²
16. These women were also responsible for managing and maintaining the role of kaitiaki, a responsibility given to them as part of their mana whenua role. Their hoa Rangatira, or husbands, were not always from the same area and therefore did not have the knowledge or mana whenua status that their wāhine had.³
17. According to traditional tikanga for the union between a man and a woman - the role of wāhine Māori was to give birth to the hapū and the role of the Tane was to protect the hapū. Paora Hori (Hori, 1905) states in the Matangirau Papatupu minute book 1905, that the tūpuna Whakaki identified the role of the Tane as ‘Ringakaha’, or the strong arm, with the defence and protection of the hapū led by his grandsons.
18. After marriage, the wāhine Māori become hapū, or impregnated, and, following the birth of the tamariki, the whenua was then put back into the land under or in a designated rakau, or tree. This ensures the child’s birthright and toto to the whenua, also known as Turangawaewae. These specific trees were used by many generations of uri, or whānau groups, and were also known as Pito trees. Some are still being used today.⁴

Whangaroa Hapū Lands

19. I descend from a number of tūpuna whaea who had mana whenua status in various hapū in Whangaroa. By way of example, I have set out below how whenua was passed down from those tūpuna whaea for the hapū of Ngāti Kawau, Kaitangata and Ngāti Ruamahue.

² R. Higgins & P. Meredith, 2013.

³ R. Higgins & P. Meredith, 2013.

⁴ T.C. Royal, 2012.

Ngāti Kawau

20. In terms of inheritance to Ngāti Kawau lands, I descend from my tūpuna whaea Moengaroa, Karuhi, Awhirangi, Maukihau, Roera and Ngatau Mauahara. These tūpuna whaea had mana in the eastern areas of the harbour, including, Tauranga, Kahikatoa, Pararako, Waitangi, Wairau, Matangirau, Pumanawa, Te Touwai, Tauranga iti, Ririwha, Te Huia and Whakaari, just to mention a few. There is also a pa situated in Kowhairoa, named Whititata, that was occupied by Korotihi, the son of Awhirangi, and used as a defence post.
21. Moengaroa had mana whenua status in this rohe, which she passed on to her daughter Karuhi.⁵ Karuhi then passed on these lands to her son, Whakaki. Despite mana whenua status being passed down the female line, when a union only produced a tāne, mana whenua status passed to him and then down to the next wāhine Māori born.
22. Whakaki passed the whenua and kaitiaki practices to his tamariki, Te Pou and Awhirangi. Te Pou was taken to Waimate Taiamai to seek a wife. Awhirangi remained on the land and produced two tamariki, Korotihi and Taura. Korotihi and Taura had pa (more than one) in Tauranga Bay, Ririwha, Kahikatoa, Te Touwai, Matangirau and Kowhairoa.
23. From Korotihi and Taura, the whenua should have passed down through the generations to all of their descendants, including us, the mokopuna of Ngatau Mauahara. However, this did not happen. Very little of this land remains in our names today, with the majority having been lost through land alienation and Native Land Court processes.

⁵ Papatupu Kahikatoa minute book 1902 pg. 14.

Kaitangata

24. In terms of inheritance to Kaitangata lands, I descend from Kaiwhare and Te Ruahoro iti. These tūpuna whaea had mana whenua in the south of Whangaroa and in the western arm of the Whangaroa Harbour.
25. Kaiwhare had mana whenua in this rohe. She married Mokokohi nui the son of Haititaimarangai from Karikari. The lands in Whangaroa were distributed between Kaiwhare's two sons, Rangitehotanga and Hourangataua.
26. Rangitehotanga was given the southern areas of Whangaroa from Taratara all the way back to Waiari and further. Hourangataua remained on the western side of the harbour. He gave his hapū the name Kaitangata and mana whenua status was passed down to his wāhine mokopuna, Ruahoro iti.
27. Our tūpuna, Motupua, the grandson of Rangitehotanga, was wed to Ruahoro iti. Motupua moved from his home in Kaingapipiwai (Patunga) and settled with Ruahoro iti on the western side of the Whangaroa Harbour. Through this union, Motupua became the chief of several pa in Taupo, Matarakaka, Okura and Kowhairoa. Ruahoro iti's lands passed down to Tainui and then to Motokiwi nui, who had mana whenua status up until 1827 when he was killed.
28. There are several versions of the killing of Motokiwi nui. However, they do not take away the fact that he died defending the mana of the land, wāhine Māori and tamariki. The last abode of the Kaitangata hapū was on Okahumoko Pa, situated in Rere Bay.
29. In 2016 Ngāti Kahu ki Whangaroa, the Kahukuraariki Trust, entered into a negotiation settlement with the Crown. This settlement included areas of significance for the Kaitangata hapū. Included in that settlement is tūpuna whenua belonging to the Kaitangata hapū.

30. Today, most of the lands around Okahumoko, Kowhairoa and Matarakara are held by the Crown, who have had control of those areas, under management by the Department of Conservation, since the 1950s.
31. These lands are keenly sought after because of their natural beauty and prominent position at the mouth of the Harbour. Not only are these lands a valuable, natural, tangible and intangible heritage asset, they are also steeped in cultural significance.
32. No recognition of the significance of tūpuna whaea, their mana whenua status or tikanga has ever been applied to establish the return of these areas.

Role of Wāhine Māori Not Recognised

33. Higgins & Meredith state that:

Most missionaries and settlers struggled to recognise the leadership of wāhine Māori, preferring instead to deal with their male counterparts.⁶

34. This is certainly true for the tūpuna whaea of Whangaroa. Wāhine Māori are rarely mentioned in the old Native Land Court Minutes. Rather than their role and mana whenua status being recognised and honoured, tūpuna whaea were critically marginalised through a system and process that did not recognise their mana whenua status. In many cases, this compromised an entire hapū connection to the land.
35. An example of where this occurred was in Tauranga Bay. It is accepted and recognised that the ancestral lines that have mana whenua to Tauranga Bay descend from Karuhi down to her son, Whakaki, and that this is Ngāti Kawau whenua. During the early settler period, Tauranga Bay was under the mana whenua status of Roera, a direct descendent of Karuhi, Whakaki and Awhirangi.

⁶ R. Higgins & P. Meredith, 2013.

- 36.** However, in 1836 Tauranga Bay was sold by Hemi Tupe to the missionary James Shepherd. Hemi Tupe was a descendant of Kaiwhare, with whakapapa links to Te Whānau Pani, not Ngāti Kawau. His grandmother is Tuhikura, whose ancestral lines are in the southern areas of Whangaroa, not Tauranga.
- 37.** To acquire lands that belonged to another ancestral line, Hemi Tupe stated that he was a chief of Te Touwai, and had ancestral links through his mother, Aue, who is Ngāti Awa. Ngāti Awa lived in the Whangaroa Harbour prior to Ngā Puhi and Ngāti Kahu alliances and, like them, married tangata whenua wāhine. However, this lineage already exists in our tūpuna whaea Karuhi.
- 38.** James Shepherd was an Anglican missionary and one of Whangaroa’s first settlers. He settled in the Whangaroa Harbour in the 1830s along with Snowden, Spikeman and Hayes, who all acquired huge blocks of land through Native Land Court processes and negotiations, undertaken predominantly with other men.
- 39.** Hemi Tupe was a chief of Te Touwai. His status as chief was incorrectly recognised by the Native Land Court system to mean that he had authority over all the people and their lands in the area. Accordingly, at the end of the Court process, ownership was granted to him and other chiefs. Early land claims show that approximately 6,000 acres at Upokorau, Kumia and Waiaua were sold to James Shepherd in 1836 and 1837 by Chiefs Aua, Kowiti and others for “[g]oods, cattle and cash”. These sales were opposed by the chiefs Tomo and Pakakaro for the Waitangi and Tauranga areas, but they did not have any success in stopping the sales. In the Kahikatoa Papatupu Land Minute Books, the Tauranga lands were noted to have been sold by Hemi Tupe. The Kahikatoa block, which originally comprised 544 acres, was also awarded to Hemi Tupe and others in 1906 and were also sold.

- 40.** The sale of Tauranga Bay was not accepted by Ngāti Kawau rangatira. My tūpuna Kotaranui was nominated to retrieve the land back from Mr Shepherd. Mr Shepherd sent him away with a few material gifts. Namely; a hoe, a tea kettle and a blanket. I am not sure why he was given those things because the land was already sold by the chiefs. The Papatupu Kahikatoa Land Court Minutes stated that Te Pona, my nana's grandfather, was extremely angry with his father Kotaranui for accepting the gifts and returning without the land. Te Pona was the hoa rangatira of Roera, and he was trying to protect her interests in the land for the sake of the hapū. Unfortunately, our hapū have been alienated from these lands ever since.
- 41.** I mention this event because it highlights how the missionary James Shepherd was able to acquire large portions of land without acknowledging the mana of wāhine Māori, and how this acquisition was facilitated through a Native Land Court process and system set up by the Crown.
- 42.** By way of further example, set out below are just a few of the land sales transacted during the late 1800s and into the early 1900s:
- a.** Otawhiri – 21 acres (sold 1867);
 - b.** Pumanawa – 85 acres (sold 1917);
 - c.** Okura – 491 acres (sold 1876);
 - d.** Ota – 10 acres (sold prior to 1900);
 - e.** Ohakiri – 43 acres (sold 1876);
 - f.** Oio – (sold 1872);
 - g.** Marutoia – 11 acres (sold 1870);
 - h.** Mataraka B2B 1934 (handed to the Crown as security for rates in 1953);
 - i.** Mataraka B1 and B3 (declared Crown land in 1958);
 - j.** Katikati – 181 acres (sold prior to 1900s); and
 - k.** Wairaupe (sold 1914).

43. On top of these, many other lands were leased for terms of 20, 30, 50 and even 100 years, often with rights of renewal.
44. There is no record of wāhine Māori negotiating for any of these lands in the early Land Court minutes, as they were not recognised as having the authority to do so. The status of mana whenua and wāhine Māori have been critically marginalised by these processes and procedures, and in most cases was totally ignored.
45. I suggest that if wāhine Māori had the right to negotiate in the Land Court system, they would never have sold or transferred the land. A mother's instinct is to ensure that her tamariki have turangawaewae (a place to stand) and call home. A mother's instinct is to protect and safeguard her tamariki interests at all costs.

Looking Forward

46. People do not like to talk about sensitive issues like loss and grief. When they do, they become emotional and reactive. However, if we do not say anything about these issues, then nothing will be done about them. If we do not do anything, then no change will take place.
47. The lack of recognition of the role of wāhine Māori in pre-colonial New Zealand has been the basis on which much injustice has unfolded. I hope my evidence shows how the critical role of wāhine Māori in pre-colonial New Zealand was ignored and destroyed by the Crown in how it dealt with land.

48. The voice of wāhine Māori must be heard. Give us back our land so that our mana can be restored. Give us back our resources so that our tamariki will not want for anything. Do not leave us out of decisions. We know what we need: all you have to do is ask us.

Dated 30 June 2021



Awahirangi Panehina Lawrence