

IN THE WAITANGI TRIBUNAL

WAI 2700

WAI 2823

UNDER

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

The Mana Wāhine Kaupapa Inquiry

AND

IN THE MATTER OF

A claim by Jean Te Huia on behalf of herself, Ngāti Kahungunu and Māori living in Heretaunga-Tamatea (Wai 2823)

BRIEF OF EVIDENCE OF KATARINA JEAN TE HUIA

DATED 27 JULY 2022

RECEIVED

Waitangi Tribunal

27 Jul 22

Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

1. I am wāhine Māori, of Ngāti-Te Whatuiapiti descent. My direct lineage is through Te Waka Takitimu. My whānau descendants are Tiopira Apatari Reti Kau Kau, my great great grandfather from Wairoa, and Riripeti Reti Kau Kau, my grandmother.
2. From Horowhenua, Carlotta Scia Scia and Horima Peneamine, come the parents of my grandfather Frank Horima Pene.
3. Frank Horima Pene is the great grandson of Te One McGregor. Carlotta is the eldest child of immigrant Nicola Scia Scia from Italy and Riria Mc Gregor from Te Waipounamu.
4. I am a whāngai to Katarina Pikihuia Takirau of Rangitane and I was raised at Tapairu Marae Waipawa but remained close to both my birth parents and my eight siblings.
5. I am sixty-six years of age and was formally educated from the age of five years within the mainstream Eurocentric education system intent on assimilation policies that denied me our world of Te Ao Māori. Only in my later years have I been able to pursue mātauranga Māori, and to now understand the negative impact of colonisation on us, as wāhine Māori.
6. On completion of my secondary education in 1973, I entered a direct entry community nursing programme at the Hastings Memorial Hospital at the age of 17 years old. I have worked in the health industry for over 45 years.
7. I am a Māori midwife and registered Māori Comprehensive Nurse and I hold dual practicing certificates in both professions in Australia and New Zealand.
8. I re-trained and registered as a Comprehensive Nurse from The Eastern Institute of Technology in 1994 and then graduated from the Wellington Polytechnic as a Registered Māori Midwife in 1996.

Wāhine Māori- Prologue

9. In my response to this Mana Wāhine inquiry I acknowledge wāhine Māori voices, and wāhine Māori perspectives which are deliberately and purposefully prioritised. Māori,

and especially wāhine Māori as the Indigenous people of Aotearoa share similar negative life experiences as other Indigenous peoples across the world,¹ beginning with the assaults on wāhine Māori as women and mothers.² We are not alone in our attempts to gain recognition of our human rights³ As other Indigenous peoples across the world have exposed their battles against British colonisation⁴, so too do we as wāhine Māori in Aotearoa bear witness to the same atrocities⁵, the same rapes, the deliberate ongoing assimilation policies that deny us our world of Te Ao Māori⁶. We are exposed to the same calculated outcomes of destruction targeted at our pēpi⁷, at us as indigenous mothers and indigenous fathers⁸, in our homes, our language, our values, and beliefs and ultimately and purposely aimed at our resources.

In the Beginning Māori Arrival in Aotearoa

10. Kuramārotini, was the daughter of Toto, a chief of Hawaiki. Toto gave Kuramārotini a waka called 'Matahourua' (other names depending on kōrero; Matawhaorua or Matahorua) in which she eventually sailed with her companion 'Kupe' and it was she, who first set eyes upon this new land, which she called 'Aotearoa', the land of the long white cloud.⁹ The strong divergent views written by Pākehā men have immortalised the feats of men across both cultures, 'Māori and Pākehā' and have and continue to credit the discovery of 'Aotearoa' and all parts within to a male dominance, to explain Aotearoa's very beginnings, a legacy of male dominance that persists today.
11. Written stories about wāhine Māori have elucidated the cumulative effect of biases that continues toward wāhine Māori within institutionalised policies and structures, at both a micro and macro level, within both the "Māori and Pākehā" cultures that are at the

¹ Cunneen, C.(2019). Institutional Racism and (In)Justice: Australia in the 21st Century. *Decolonization of Criminology and Justice* 1(1), 29-51. Jumbunna Institute for Indigenous Education and Research. UIT Sydney.

² Maxwell, K. (2017). Settler-Humanitarianism: Healing the Indigenous Child-Victim. *Journal Childhood Studies*.

³ Escayg, K., Berman, R & Royer, N. (2017). Canadian Children and Race: Toward an Antiracism Analysis. Vol.42 No.2 *Journal of Childhood Studies*. Canada.

⁴ Bodkin-Andrews, G& Carlson, B.(2014).The legacy of racism and Indigenous Australian Identity within education. 19:4, 784-807. <https://doi.org/10.1080/13613324.969224>.

⁵ Harding, R.(2009). News Reporting on Aboriginal Child Welfare. Discourses of White Guilt, Reverse Racism, and Failed Policy. *Canadian Social Work Review*, vol 26, No.1.

⁶ Sinclair, R. (2007). Identity lost and found: Lessons from the sixties scoop. *First Peoples family Review*. Vol 3, No,1. 65-82. <https://doi.org/10.7202/1069527ar>.

⁷ Denis, V. (2011). Silencing Aboriginal Curricular Content and perspectives Through Multiculturalism: There Are Other Children Here. *Aboriginal Policy Research Consortium International* 268. <https://ir.lib.uwo.ca/aprci/268>

⁸ Macedo, D., Smithers, L., Roberts, R., Haag, D., Paradise, Y., & Jamieson.(2019). Does ethnic-racial identity modify the effects of racism on the social and emotional wellbeing of Aboriginal Australian children? <https://doi.org/10.1371/journal.pone.0220744>.

⁹ Edward R. Tregear,(1891). *Māori- Polynesian Comparative Dictionary*. Lyon and Blair: Lambton Quay.

very heart of this WAI 2700 claim. Early colonial male ethnographers like Elsdon Best talked with Māori men, observed Māori women, and wrote only what he believed he understood about our world. Misunderstandings were bound to arise because Best's own misogynist ideologies, his Christian colonised stereotyped gaze, rested only briefly upon wāhine Māori, and at that moment the written word has fabricated the whole of wāhine Māori society impacting on us today.

12. Absent are the 'purākau' (Stories) the mātauranga of Hine-te-iwaiwa and other wāhine Atua, our female gods. Hine-Ahu-One and Hine-nui-te-po, each held prominent positions in the pantheon of Gods,¹⁰ the intrinsic knowledge and deep women-centred philosophies embedded within the memories and the DNA of wāhine Māori.
13. According to Anderson,¹¹ some 5000 years ago a group of people began moving out of South China, down into the Asian archipelago, thus beginning the first migrations of the world yet to be discovered, the vast southern Pacific Ocean. Thus, began the first humans and Māori settlement into Aotearoa 900 years ago. Our oral histories are rich in detail of traditions and human feats of heroism, threaded through whakapapa and evident in the discoveries exposing the lesions of childbirth throughout the millenniums within our ancient pelvis's.
14. Our purākau, tells of the forced separation of Rangiatea, our sky-father from Papatūānuku our earthmother, by their celestial children. Our matriarchal lineage from Hine-ahu-one and her transformation to Hine-nui-te-po, due to her discovery in regard to her incestual relationship with her father. Our communities and societal structures pre-European describe matrilineal residence patterns in which men moved on marriage to the settlements of their wives. Women maintained whānau structures, birthed pēpi, managed resources and kept the fires burning. (Ahi Ka)
15. In comparison the history of tāne Māori conquests supports the chauvinistic male gendered tribal histories of prowess, and sexual conquests, honouring multiple wives such as that advocated by Kāhungunu who is said to have had 7 wives which supports their notion of cultural male dominance. Hypothetically, matrilocality offered assuredly and authority for wāhine Māori over their resources that increased rates of infant

¹⁰ Yates-Smith, A. (2019). Reclaiming the Ancient Feminine in Māori Society: kei Wareware I a Tatou Te Ukaipo. Mana Wahine Reader. A Collection of Writings 1999-2019. Vol 2. Te Kotahi Research Institute. Hamilton. NZ.

¹¹ Anderson, Atholl. (2014). The First Migration: Māori Origins 3000BC-AD1450.

survival and fostered support and engagement for the whole whānau as a living entity. The rites of passage ensuring the survival of the hapū, was paramount, matriarchal governing rules and reciprocity and an intricate balance between wāhine Māori and others and land, resources, and assets, were paramount to the very society in which wāhine Māori ruled.

16. Evidence¹² in regard to traditional wāhine Māori leadership roles pre-European, is endorsed by Mikaere^{13,14}, Simmonds¹⁵, Murphy¹⁶, Moruzi & Smith¹⁷, and Ehrenreich¹⁸ whom acknowledged our 'Rangatira Status' also recognising the parallel antagonism of gender activities, such as having to prove 13 wāhine Māori signed te Tiriti, a role granted only to 'Chiefs'¹⁹. The challenge we now have is that the contemporary view today to explain our loss, is often overlooked when we attempt to describe the past experiences of wāhine Māori, based only on what men said existed, be they brown or be they white. The perception of wāhine Māori is deeply entrenched within a nationalist colonised historiography, which continues to portray wāhine Māori as 'victims' and contributes to the mis-guided belief that wāhine Māori need to be 'saved'. This misdirected behaviour often results in middle aged Pākehā women believing that they alone, know what is good for us and for our tamariki.
17. Much has been written about the marginalisation of our roles as wāhine Māori, and the lack of understanding about who we are, forced upon us by society²⁰, our lack of leadership opportunities²¹, our ongoing struggles as mothers²², the continued destruction of our mana, which results in the dehumanising of us as wāhine Māori.

¹² Conlon, K.(2014). Surveying Hineipaketiā. The Politics of Power, Rank and Gender in Nineteenth Century Hawkes Bay. A thesis in partial fulfilment of a Master of Arts in History. Massey University.

¹³ Mikaere, A.(2003). The Balance Destroyed: Consequences for Māori Women of the Colonisation of Tikanga Māori. The International Research Institute for Māori and Indigenous Education.

¹⁴ Mikaere, A. (2011). Colonising Myths-Māori Realities: He Rukuruku Whakairo. Wellington. Huia Publishers.

¹⁵ Simmonds, N.(2016). Honouring our Ancestors: Reclaiming the Power of Māori Maternities. Chapter 6. Pg 145-157. Gabel, K.(2016) Decolonisation in Aotearoa. Education. Research and Practice.

¹⁶ Murphy, N.(2011).Te Awa Atua, Te Awa Tāpu, Te Awa Wahine. An examination of stories, ceremonies, and practices regarding menstruation in the pre-colonial Māori world. A Thesis submitted. Master of Arts. University of Waikato.

¹⁷ Moruzi, K., & Smith, M. (2014). Colonial Girlhood in Literature, Culture and History, 1840-1950. Palgrave Macmillan. <https://doi.org/10.1057/9781137356352>.

¹⁸ Ehrenreich, N.(1993). The Colonization of the Womb.43 Duke Law Journal 492-587.

¹⁹ Orange, C. (2004). An Illustrated History of the Treaty of Waitangi. Wellington: Bridget Books.

²⁰ Kenney, C. (2009). Me aro ki te ha o Hineahuone. Women, Miscarriage Stories, and Midwifery: Towards a Contextually Relevant Research Methodology. A Thesis. Doctor of Philosophy in Midwifery. Massey University.

²¹ Ralston, C. (1993). Māori Women and the Politics of Tradition: What roles and Power Did, Do, and Should Māori Women Exercise? The Contemporary Pacific, Vol 5, No 1, 1992 P 23-44. University of Hawaii's Press.

²² Graham, A.(2018). Tika Tonu: Young Māori Mother's Experiences of Wellbeing Surrounding the Birth of Their First Tamaiti. A thesis. Doctor of Philosophy. Victoria University. Wellington.

Evidenced also is the compelling data that highlights the continual sexual exploitation²³ of Wāhine Māori and other indigenous women²⁴, our struggles for equality of power within our own homes²⁵ and within the workforce, which is mirrored by the same devastating outcomes on other indigenous women throughout the world. (Le Grice²⁶, Quince²⁷, Dawson et al²⁸).

18. The changes that we as wāhine Māori seek in ensuring our very survival, and the survival of our tamariki and their tamariki, are universal as described by Kenney²⁹, Simpson et al³⁰ and Durie.³¹ Upheld by te Tiriti o Waitangi, our right to self-determination³² is guaranteed, So, what has happened to us, to bring about our demise?

The Cultural and Historical Heritage of Colonisation

19. It is believed³³ that the transatlantic slave trade was one of the most profound events in human history. Colonialism has been identified as equally significant in that it transformed and shaped human values and landscapes, both practices the products of Western civilisations lust for power and greed. It's beginning is with the Portuguese and later championed by other Western powers, Spain, Britain, France and the United States. Nurtured and sustained by greed, the slave trade created the most significant planned accumulations of wealth the world has ever seen. It also perpetuated racism;

²³ Waetford, C. (2008). The knowledge, attitudes, and behaviour of young Māori women in relation to sexual health: A descriptive study. Master of Health Science. Auckland University of Technology.

²⁴ Smith, A.(2003). Not an Indian Tradition: The Sexual Colonization of Native Peoples. *Hypatia* vol.18, no.2.

²⁵ Pittman, Mereana. (2018) Colonisation: The root cause of Family Violence. Presentation, Kahungunu Māori Midwives Hui. Hinetemoa Marae.

²⁶ Le Grice, J, S. (2014). Māori and Reproduction, Sexuality Education, Maternity and Abortion. A doctoral thesis. Doctor of Philosophy in Psychology. Auckland University.

²⁷ Quince, K. (2010). The Bottom of the Heap? Why Māori Women are Over- Criminalised in New Zealand. *Te Tai Haruru- Journal*.3.Vol 13.

²⁸ Dawson, P, & Jaye, C & Gauld, R and Hay-Smith, J. (2019). Barriers to equitable maternal health in Aotearoa New Zealand: an integrative review. *International Journal for Equity in Health*. <https://doi.org/10.1186/s12939-019-1070-7>.

²⁹ Kenney, C. (2011). Midwives, Women and their Families: A Māori Gaze: Towards partnerships for maternity care in Aotearoa New Zealand. *International Journal of Indigenous Peoples*. DOI:1177/117718011100203

³⁰ Simpson, N, Wepa, D & Bria, K. (2020). Improving antenatal engagement for Aboriginal women in Australia: A scoping review. *Midwifery*. Vol 91. <https://doi.org/10.1016/j.midw.2020.102825>

³¹ Durie, M. (1998). *Te Mana, Te Kawanatanga. The Politics of Māori Self- Determination*. Oxford University Press. Melbourne.

³² Toki, V. Māori seeking self-determination or tino rangatiratanga? A note. Senior Lecturer, Ngapuhi, Ngati Wai. Te Piringa. Faculty of Law. Waikato Uni.

³³ Usongo, K. (2022). *The Cultural and Historical Heritage of Colonialism. Interrogating the Postcolony*. Cambridge Scholars Publishing. UK.

slave merchants (Europeans) were regarded as superior to the blacks (coloured) that they enslaved.

20. Prince Henry, the Navigator, 15th century Portuguese raided the African coast for slaves. Christopher Columbus exploration to the Americas, both events the products of Western capitalism, the beginning of the commercial revolution.
21. The birth of colonialism according to Usongo (2022), is attributed to the West's superciliousness toward non-Western peoples and cultures. Western ideology assumes a superiority complex towards non-western things, including religion, peoples, and cultures that are different from them. Western exploitation began by imposing their own cultural systems such as Christianity, administrative, economic, and educational values on the colonised, in order to 'civilise' the non-European, and continued to discriminate against the westernised native, referring to him or her as the 'Other'
22. Usongo (2022) further argues that one of the most noticeable differences between the Western Society and its non-western counterparts is the individual's perception. Individualism flourishes, and is often associated with capitalism, materialism, alienation, and self-centredness, and is perpetuated by the formation of a privileged class, the impetus that increasingly brings joy from the wealth, power and status separating it from the non-western population, at the expense of them, their culture, their resources and eventually their lives.

The Arrival of Captain Cook, Colonisation Introduced to Aotearoa

23. On the 30th of July 1768, Admiralty House, London, signed 2 secret documents authorising the Endeavour, bound for Tahiti and beyond delivered to Captain Cook.³⁴The first document a guise, to Map the Transit of Venus, the second document 'England's secret search for the mysterious Southern Lands'. The Royal Society had funded the trip, Lord Morton the president of the Royal Society appealed to his members based on the treatment received by other 'natives' in whose world the British had already invaded. Morton sent this request for Captain Cook to consider.

*The expedition must:*³⁵

³⁴³⁴ Fitzsimons. P. (2019) James Cook. The Story Behind the Man who Mapped the World. Hachette Print. NZ.

³⁵ Morton Chiswick Wednesday 10th August 1768. (Fitzsimons, Pg77).

Exercise the utmost patience and forbearance with respect to the Natives of the several Lands where the ship may touch.....

To check the petulance of the sailors and restrain the wanton use of Firearms....

To have it still in view that shedding the blood of these people is a crime of the highest nature.

They are human creatures, the work of the same omnipotent Author, equally under his care with the most polished European, perhaps being less offensive, more entitled to his favour.....

They are the natural, and in the strictest sense of the word, the legal possessors of the several regions they inhabit. No European nation has a right to occupy any part of their country or settle among them without voluntary consent....

Conquest over such people can give no just title, because they could never be aggressors.

They may naturally and justly attempt to repel intruders, whom they may apprehend are come to disturb them in the quiet possession of their country, whether that apprehension be well or ill founded... Therefore, should they in a hostile manner oppose a landing and kill some men in the attempt, even this would hardly justify firing among them, till every other gentle method had been tried.....If a landing can be effected, whether with or without resistance, it might not be amiss to lay some few trinkets, particularly looking glasses, upon the shore....Lastly, to form a vocabulary of the names given by the Natives to the several things and places which come under the inspection of the gentlemen. The foregoing hints, hastily put together, and probably very incorrect, and how ever humbly submitted to the consideration of Captain Cook and the other gentlemen by their hearty well-wisher and most obedient servant

The Beginnings of Subjugation, Domination, Pestilence, and Venereal Disease

on Wāhine Māori

24. Captain Cook's Endeavour expedition not only begins the origins of British colonisation in Aotearoa, but introduces venereal diseases and petulance³⁶, ultimately changing the roles of wāhine Māori. The destructive nature of wāhine Māori dispossession includes direct harms from killings, kidnappings, rape, infectious diseases that caused sterility, forced prostitution, fear, and anxiety³⁷ and marked the beginnings of a relationship between two peoples that continues to impact proportionately more negatively on wāhine Māori today. Control over the sexual health and reproductive

³⁶ Hanham, D.(2003). The Impact of Introduced Diseases in Pre-Treaty Period 1790-1840. A Thesis. Master of Arts in Māori. University of Canterbury.

³⁷ Moewaka Barnes, H & McCreanor.(2019).Colonisation, hauora and whenua in Aotearoa. Journal of the Royal Society of New Zealand. Vol 49, No.s1, 19-33. <https://doi.org/10.1080/03036758.2019.1668439>.

needs of wāhine Māori, includes control over their birthing rites and parenting rights which are based on imperial domination, white supremacy, and racism in its many forms. Of particular concern to me, and evidenced by data, is the imposed abusive exploitative, racist power relations that continues to exist within midwifery and maternity care³⁸ within social, cultural, educational, healthcare, resource allocation, workforce development, clinical and cultural policy and practice that impacts negatively the sexual health and reproductive needs of wāhine Māori, including parenting rights. I will explore this kōrero further in the substantive phase of the Mana Wāhine Inquiry.

1768

25. The British had already established a colony in Tahiti, when Captain Cook began his quest to find sailors for his expedition to Aotearoa. The heightened sexual expectation for potential sailors was created to entice men to sign up for the expedition in response to the perverse sexual portrayal of Pacific women used in order to coax would be sailors.

“Midshipman Jonathan Monkhouse, 19 years can hardly contain himself- he is about to meet the fair maidens of Tahiti, women he has heard ever so much about...can the tales be true?”³⁹

“Nails, the most valuable, the Tahitians will trade anything for them. For you see, these white fellows have bought no women with them. Shortly thereafter, the Native men bring their women along with them, and it is not long before the white men- bellies full and carnal desires satisfied- decide that they have grown ‘madly fond of shore’.”⁴⁰

26. It is a breach of one of the specific orders that Captain Cook posted on the mainmast before arriving in Tahiti, that no sort of iron is to be given in exchange for anything other than provisions. The increased signs of missing nails are an obvious problem, as the ship shows signs of listing. In reaction to such wanton misuse of nails for females, Cook reacted quickly and brought out the cat of nine tails. ⁴¹

1769

³⁸ Edmonds, L & Cram, F et al (2022). Hapu Ora (Pregnancy Wellness): Māori research responses from conception, through pregnancy and ‘the first 1000 days’- a call to action for all of us. Journal of The Royal Society of NZ. <https://doi.org/10.1080/03036758.2022.2075401>.

³⁹ Fitzsimons. P. (2019). James Cook. The Story Behind the Man who Mapped the World. Hachette Print. NZ. Pg 87.

⁴⁰ Kirk, Paradise Past: The Transformation of the South Pacific, 1520-1920. McFarland & Company, North Carolina, 2012, p37.

⁴¹ Cooks , Log, 13 April 1769.

27. The 'venereal distemper' has spread itself over the greatest part of the ship's company. The pox- chancres on the genitals, oozing pus, bouts of burning, stints of scratching. Many of the Tahitian women were also displaying the same symptoms.⁴²

Cook Acknowledges 1772-1775

28. On his second voyage to New Zealand Captain Cook observed:⁴³

When it came to the previously relatively chaste women of New Zealand now being pushed forward for sexual services by their own husbands and fathers, in return for such things as a single spike nail.

Such are consequences, of a commerce with Europeans and what is still more to our shame, civilised Christians. We debauch their morals already too prone to vice and we introduce among them wants perhaps diseases which they never before knew and which only to disturb that happy tranquillity they and their forefathers have enjoyed'..... Cooks Observation.

Wāhine Māori Sexualised

29. The subjugation of wāhine Māori was initiated by Europeans who were contemptuous of their sexual exploitation. This activity commenced the transformation and destruction of Māori society and changed the everyday social and sexual practices of Māori. Almost immediately as a result of their encounter with Europeans, the matriarchal communities, lineages and matriarchal dominance within whanau and hapū structures changed.
30. The first negative effects resulted from the disease-ridden carcasses of the Europeans themselves.⁴⁴ As a result of the introduction of syphilis that the sailors shared amongst wāhine Māori, there followed a drastic decline in Māori birth-rates which were significant. European debate continued for centuries⁴⁵ based on bias, and racism, attributing Māori sterility and the decline of Māori birth rates to change in diet, lack of libido, infanticide, and abortion. Licentiousness, the sexual relations between wāhine

⁴² Surgeon Monkhouse; Endeavour Expedition 1769. Cooks Log June 1769.

⁴³ Cooks , Log, 13 April 1769.

⁴⁴ Gagnon, J. (1997). Chapter 2. Others Have Sex with Others. Captain Cook and the Penetration of the Pacific.pp23-65.Herdt, G. Sexual Cultures and Migration in the Era of AIDS: Anthropological and Demographic Perspectives. International Studies in Demography. Uni Chicago. ISBN-10:0198292309.

⁴⁵ Pool, D.(1977). The Māori Population of New Zealand 1769-1971. Auckland University Press.

Māori and non- Māori, were characterised; thus, 'Native' women who had intercourse with a foreigner could not conceive when she renewed sexual relations with a member of her own 'Race'⁴⁶.

31. The personalised sexual experiences of the sailors within the Pacific were publicised across Europe, and that enticed further would be settlers into the garden of Eden. On offer, was an alternative sexual world of 'Freedom' to that, which existed in Britain at that time. An alternative sexual world to Christian shame, and alongside this bounty, to a world of economic and political gains to be awarded to the coloniser.
32. According to King⁴⁷ the establishment of the British penal colony at Port Jackson in 1788, the satellite convict settlements on Norfolk Island in 1789, then Hobart 1803, bought physical proximity of Europeans into contact with Māori, who were cashing in on the commodities Aotearoa had to offer; sealing, whaling and milling for timber. The first Europeans to live in Aotearoa were seamen who jumped ship from these vessels mast. King described as sailors and undischarged convicts on the run, they married Māori wives, begat Māori offspring, and lived according to Māori lore some even taking on full facial Ta Moko, learning te reo and became known as Pākehā Māori. It is noted some Māori benefitted from the expertise they had to offer, horticulture, animal husbandry and then acted as mediators and interpreters when finally, the traders, explorers and missionaries arrived.
33. Sealing in the South Island was responsible for the first commercial venture in New Zealand in 1792. Sealers were often abandoned for years, and so took Māori wives for comfort, carnal favours, and domestic servitude. The added advantage was that wāhine Māori could speak the local dialect, negotiate the sealers safety, they knew the local fauna and flora and how to prepare these delicacies for food. The seal trade ended when the seal supply had been devastated by unsustainable slaughter and greed and was replaced by whaling, then timber and then milling flax. King suggests the first traders who negotiated access to these resources across numerous parts of Aotearoa with local Māori often married a high-ranking woman, the Chief's daughter. Traders then engaged in mutual trading, exchanging food and supplies with Māori locals, in exchange for iron, metal and tools. Māori often took on paid labour, ensuring early traders' financial success. These early traders then became wealthy, through either their

⁴⁶ Pool, D.(1977). *The Māori Population of New Zealand 1769-1971*. Auckland University Press. p77.

⁴⁷ King, M. (2003). *The Penguin History of New Zealand*. Penguin Books. NZ.

marriage to high-ranking Māori women, or in the purchase of large blocks of land, the reciprocal benefits first noted between Māori and Pākehā, were that their offspring became large landowners, some names can be traced through landownership that has endured even today.

34. Examining customary Māori marriage prior to the establishment of the Native Land Court 1865, whakapapa and whānau were the central organising framework of Māori society.⁴⁸ Customary Māori marriage held important social significance, and were categorised in several ways, ‘taumau’ arranged marriage, ‘moe Māori’, co-habiting, ‘tomo’, betrothed and ‘pakuha’ traditional wedding. Whakapapa was a vital component of the customary rules around customary marriage and was directly associated with land ownership. Arranged marriages were often politically motivated, as a result of protecting whānau land interests and resources for future generations and was consequently subject to considerably more tribal surveillance.
35. Prior to the arrival of Europeans⁴⁹ wāhine Māori, as individuals, held rights over land and resources. Those rights could be inherited from either parent, and remained her property, whether single or married through customary law. Customs, traditions and kawa (protocol) differed from ropu to ropu (region), but there was a general understanding among most tribal groups. Nevertheless, land ownership and inheritance were an ever-present factor in customary Māori marriage, requiring approval by the parents of the woman, her relatives or hapū, and especially her brothers. Walter (2017)⁵⁰ further states a husband could equally leave his tribal lands to live with his wife and whānau, he could work, cultivate the land of his wife, but he would never own it, even after her death. The land would be shared between her children or returned to her whānau and hapū because land was considered a communal commodity, in which each member of the whānau respected each other’s boundaries, and their rights to share the resources.
36. Wāhine Māori were not restricted to certain domains within Māori society based on gender, which according to Walter is reflected in te Reo Māori, which is not gender specific. Wāhine Māori were responsible in omitting tribal knowledge through waiata

⁴⁸ Inano Walter. (2017). He Wahine, He Whenua I Ngaro Ai? Māori Women, Māori Marriage Customs and Native Land Court, 1865-1909. A Thesis submitted for the degree of Master of Arts. University of Otago, Dunedin, NZ.

⁴⁹ Brookes, B. (2016). A history of New Zealand Women. Bridget Williams Books, Wellington.

⁵⁰ Inano Walter. (2017). He Wahine, He Whenua I Ngaro Ai? Māori Women, Māori Marriage Customs and Native Land Court, 1865-1909. A Thesis submitted for the degree of Master of Arts. University of Otago, Dunedin, NZ.

(song), haka (ceremonial dance) weaving and artwork, ancient concepts and beliefs to ensure tribal survival and to ensure and protect tribal identity. Polygamy was not uncommon, as political motives, such as restoring peace among different iwi, was seen as securing peace between tribes.

37. The interference by missionaries, who applied their own perverse understanding to customary Māori Lore has been profound. In 1808, the establishment of a Christian Missionary Society was founded by Samuel Marsden because he wanted to ‘civilize’ Māori and ‘improve’ the landscape of Aotearoa for trade. It is interesting to note, the ancestors of the first missionaries to Aotearoa are the biggest landowners recorded in The New Zealand Rich List today. It is also worthy to note, early missionaries’, William Colenso and William Williams, preached against polygamy, and felt it their duty to reconstruct a ‘heathen’ and ‘barbaric’ culture, and shape Māori into more godly subjects. In his later years William Colenso was excommunicated from the church he represented, because it was proved he was a paedophile.
38. Our Urupa, bears witness to his deceitful ways. Ripeka Meretene stands immortalised in stone, waiting for her son to return. The child she had with William Colenso, while employed as a servant girl at Waitangi (Napier) as a twelve-year-old and who was stolen by William Colenso’s wife and taken to England when confronted by the scandal of her husband’s infidelity, never to return.
39. While much importance and research has been generated, tested and discussed around wāhine Māori, land ownership and mana, and substantial Māori surveillance is created to protect land, I am mindful that the same importance has not been associated with wāhine Māori rights to culturally safe ‘birthing’ and culturally appropriate and safe parenting for tamariki Māori.

DATED at Auckland this 27th day of July 2022

Jean Te Huia

Katarina Jean Te Huia